

# Canal Winchester

*Town Hall  
10 North High Street  
Canal Winchester, OH 43110*



## Meeting Agenda

**September 4, 2018**

**7:00 PM**

### **City Council**

*Bruce Jarvis – President  
Mike Walker – Vice President  
Jill Amos  
Will Bennett  
Bob Clark  
Mike Coolman  
Patrick Lynch*

- A. Call To Order
- B. Pledge of Allegiance - Clark
- C. Roll Call
- D. Approval of Minutes

[MIN-18-038](#) 8-20-18 Council Work Session Minutes ([Work Session Minutes](#))

[MIN-18-039](#) 8-20-18 Council Meeting Minutes ([City Council Meeting Minutes](#))

E. Communications & Petitions

[18-094](#) Ohio Division of Liquor Control Letter RE: Chipotle Mexican Grill ([Liquor Control Letter](#))

[18-095](#) Prostate Cancer Awareness Month Proclamation ([Proclamation](#))

[18-099](#) Madison Township Fire Report - August 2018 ([August 2018](#))

F. Public Comments - Five Minute Limit Per Person

G. RESOLUTIONS

[RES-18-011](#) A Resolution In Support Of The Columbus And Franklin County Metro  
*Public Service* Parks Replacement Parks Levy ([Resolution](#))  
*Sponsor: Jarvis* - Tabled

[RES-18-015](#) A Resolution Accepting The Amounts And Rates As Determined By The  
*Finance* Budget Commission And Authorizing The Necessary Tax Levies And  
Certifying Them To The County Auditor ([Resolution](#))  
- Adoption

H. ORDINANCES

*Tabled*

[ORD-18-017](#) An Ordinance to Create Chapter 188 in Part One of the Codified  
*Development* Ordinances Of Canal Winchester Enacting An Admissions Tax ([Ordinance,](#)  
*Sponsor: Coolman* [July 2018 Updated Draft](#))  
- Tabled at Third Reading

[ORD-18-029](#)

Development

Sponsor: Jarvis

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 11.954 Acre Tract Of Land From Exceptional Use (EU) To Planned Residential District (PRD), Owned By The Dwight A. Imler Revocable Living Trust, Located On The Southeast Corner Of The Intersection Of Hayes Road and Lithopolis Road And Consisting Of Parcel Number 184-002994, And To Adopt A Preliminary Development Plan And Development Text For A Proposed 79.5 Acre Planned Residential Development (Middletown Farms) ([Ordinance, Exhibit A, Exhibit B](#))

- Tabled at Second Reading

Third Reading

[ORD-18-027](#)

Development

Sponsor: Clark

An Ordinance Authorizing the Mayor and Clerk to Accept and Execute the Plat for the Villages at Westchester Section 12, Part 2, Phase III ([Ordinance](#))

- Adoption

Second Reading

[ORD-18-030](#)

Public Service

Sponsor: Lynch

An Ordinance To Set Water User Fees For Customers Outside The Special Water Allocation District ([Ordinance](#))

- Second Reading Only

[ORD-18-031](#)

Public Service

Sponsor: Coolman

An Ordinance To Set Sanitary Sewer Fees ([Ordinance](#))

- Second Reading Only

First Reading

[ORD-18-032](#)

Finance

An Ordinance Amending The Transient Occupancy Grant (Bed Tax) Application And Award Process And Declaring An Emergency ([Ordinance, Bed Tax Grant Package 2018](#))

- First Reading Only

**I. Reports**

Mayor's Report

Fairfield County Sheriff

Law Director

Finance Director

[18-097](#)[Finance Director's Report](#)

*Public Service Director*

[18-096](#)

[Public Service Project Updates, Construction Services Update](#)

*Development Director*

[18-098](#)

[Development Update](#)

**J. Council Reports**

*Work Session/Council - Monday, September 17, 2018 at 6 p.m.*

*Work Session/Council - Monday, October 1, 2018 at 6 p.m.*

*CW Human Services - Mr. Lynch*

*CWICC - Mr. Clark*

*CWJRD - Mr. Bennett/Mrs. Amos*

*Destination: Canal Winchester - Mr. Walker*

**K. Old/New Business**

**L. Adjourn to Executive Session (if necessary)**

**M. Adjournment**

# Canal Winchester

*Town Hall  
10 North High Street  
Canal Winchester, OH 43110*



## Meeting Minutes - DRAFT

August 20, 2018

6:00 PM

### Council Work Session

*Mike Walker – Chair*

*Jill Amos*

*Will Bennett*

*Bob Clark*

*Mike Coolman*

*Bruce Jarvis*

*Patrick Lynch*

**A. Call To Order**

*Walker called the meeting to order at 6:00 p.m.*

**B. Roll Call**

*Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*

**C. Also In Attendance**

*Mayor Ebert, Matt Peoples, Lucas Haire, Amanda Jackson, Bill Sims, Dick Miller, Steve Smith, Shawn Starcher, Rick Brown, Joe Taylor, Sargent Cassel, Shane Spencer*

**D. Reports**

*Bill Sims - Thank you Mr. Walker; Work is continuing on Gender Road phase IV; they'll be switching to phase II of the work this week; which will be basically work on the south side of Groveport Road and on Gender south of Groveport Road; you'll probably see some pavement being removed here; maybe not tomorrow but the next day; they're actually out there right now restriping with temporary striping to get some vehicles moved onto the widening lanes; so hopefully tomorrow we should have a new traffic pattern in place that will be out there for the next month or so; works also continuing at the COTA site; a TIF project there; the contractor is still continuing to work on utilities; they have a sanitary bore under Gender Road; there's an AT&T phone bank that's in the away apparently at his point so they're working on a resolution to that right now; the onsite part of park and ride, they have their storm water prevention in and pretty much where the parking lot will be is all gravel at this point if you go by; subdivision wise right now the work is really only occurring in Westchester 12-2 part III and IV which is the other side of Gender Road off of Konold Court; in that area they are still continuing to work on utilities and putting sanitary in; they're continuing to work on water lines; they've got a couple more weeks of utility work before they start roads in that area; Westchester 10-2 the extension of Connor Drive behind the high school the streets are in there; the utility companies should be in shortly to place the gas line and the electric; Canal Cove gas main is in out there; South Central should be in shortly to put in electric in that section; we've also just begun looking at the 2019 street program; we've met with Mr. Spencer here last week and kind of started laying out the list of things we want to look at as we normally do; we kind of pick up the things we feel confident about doing and a number of others so that we can kind of do an a la carte to make the best fit for the money we have available; we just started kind of putting that together; Shane will be diving in to that more in the next couple months; then I also wanted to let you know that the small cell ordinance that we were discussing previously we're going to be taking that to planning and zoning first as part of the zoning code; you have received some of the information to this point; we're cleaning up the code changes to a better level basically; maybe a draft and we can share those with you as well; but it will be a little bit before you see those again formally; hopefully this will put us on track to get approvals in October; possibly the second meeting; but if you have any questions in the meantime feel free to email me; Jarvis: Bill I don't imagine that East Waterloo Street would be on the capital improvement plan for next year; but there is kind of a sink hole forming in front of 42 East Waterloo; I don't know whether it's being eaten out by run off; storm run off or what; but it looks kind of hollow; and before it becomes really bad I imagine someone ought to take a look at that; Sims: we are aware of it and it appears to be a result of the gas tap that was done nearby; my suspicion is that they tunneled the curb and there was a void space and it has finally basically progressed that that's come down; they've been made aware of it; we'll follow up with it with them; but it looks like*

it's a result of some work the gas company did there probably form the tap to the house; Jarvis: would it be their responsibility to fix that; Sims: yes, absolutely; actually East Waterloo is one of the streets we're looking at for next year; it took a pretty good beating last year and this year from all of the soil that was being hauled from Canal Cove primarily to the west side of the city; so we're probably seeing a little bit of deterioration out there; Clark: give me a refresher on the Gender Road down to the school; the third lane or whatever that's going to be; is that going to be done next year; not from Gender; from Groveport Road down to the school; where there is going to be another lane; when does that start and finish; Sims: the Gender Road widening will actually be included in the Gender Road phase IV project; it's the addition of the second lane south of Groveport Road; and that's part of the project that's ongoing now; so we're phase II and that's phase IV so that's probably next year then; Sims: no, I'm sorry; Gender Road phase IV is the overall project for the improvements for the Groveport Road area; this is the fourth project on Gender Road to make major improvements; within that this project is broken down into multiple phases for the work; Clark: and we're at phase II; Sims: yes; work will begin with phase II; the widening is on the west side of the road so it will impact about six residents there but everybody has been communicated with; Clark: do you have a timeline; is that going to start this fall; or is that next Spring; Sims: we'll probably put the storm sewer in a week to ten days; then start the widening right after the storm is in so; I'd probably expect to see some pavement widening actually go in probably around Labor Day; or pretty close to that or maybe a little bit later; the final completion on the project is October 30<sup>th</sup>; once they've essentially completed the various phases with the widening and utilities in they'll still have to come back and overlay all of Gender Road to the north of the railroad tracks down to in front of the elementary schools; and on Groveport each direction; the road work isn't really driving the schedule; there's plenty of time to complete all the roadwork; the traffic signals and street lighting stuff is really what the schedules built around; there were only two manufacturers of traffic signal poles which made for very long lead times' and one of them closed its doors last year; so now lead times are very long because there's one manufacturer making traffic signal poles for pretty much everybody; so we're not expecting to see those until fall or pretty much the completion date; Walker: so phase II the completion date right now is October 30<sup>th</sup> for phase II; Sims: the completion of the entire project is October 30<sup>th</sup>;

Dick Miller - Thank you Mr. Walker; the bid opening for the 53 tree fall street tree planting is this Thursday at noon; some areas receiving trees are Canal Street; West Waterloo Street, Badger Drive and Cannon Drive; the installation is scheduled for October and November of 2018; the urban forestry crew loses its summer help this month; including school instructor Jack Denson and engineering student Drew Austin; with their help and the addition of Austin Lynch in a fulltime technical position in the department there was enough of me to go around this year and get additional work done; so we have instructed Cherry Landing HOA to remove several diseased and insect infested trees in common areas and to replace those trees in common areas with other species in a reasonable three year program; the directive is possible under the city code in chapter 1191-05 installation and maintenance; any questions;

Steve Smith - I think the big news for us since the last time we spoke is that we received a response for comment on the new NPDS permit and it will be issued shortly; basically they did not push a phosphorus limit on us; we believe it is attributed to good stream health and minimal impact on the plants in the streams; Matt will go into that a little bit more; you might have noticed some folks working out on Diley Road/Busey Road area; they're lining man holes; those man holes are really only 15-20 years old; they are decayed to the point of failure because of hydrogen sulfide; so we're having those lined; that will make them good for another 50 years; they will be closing the road tomorrow as they have to get close to the manholes at the end of the road; you might have noticed next to BrewDog our odor control

system has a nice new fence around it because it was a little unsightly; it was a tank that we're trying to downplay the industrial nature of it; we put a nice little fence around it; it looks pretty good; and the odor control system itself is working great; don't want to jinx it but we've had no odor control problems this summer; that's a good thing; any other questions for me; Jarvis: Mr. Smith you said the NPDS the permit is usually when you have an expansion or you're going to operate at a higher capacity; is that what that's for; or is this a renewal; Smith: yes, it's a renewal; the five year permit that we have to apply for a renewal every time come out and they do what's called a TMDL; what's called a total maximum daily limit on receiving water; they want to know what your plant's impact is; they want to know what your growth is; and they justify your permit limitations based on that; Jarvis: they look you over pretty good and they did not have any findings; Smith: no, our compliance record was spotless until we had a piece of equipment fail and we missed it by two tenths of one point; it was insignificant; so far to date they've never renewed a plant without an actual plant visit but they didn't visit us this time; I think that goes towards their trust for us; they always have an open door as far as we're concerned; they can come by anytime; we've made that well known; Jarvis: that is good news; and congratulations;

Shawn Starcher - Thank you Mr. Walker; with the recent rains it's keeping our mowing crews extremely busy; so we're out on 33 this week; cleaning up 33 and the clover leafs; we recently installed new park signs at all of our city parks; they look really nice; I don't know if you've seen those yet; we finished that up last week; unfortunately we had some graffiti on our covered bridge we had to remove last week so we're doing some painting down there; that was reported to the Fairfield County Sheriff's Department and they're keeping some extra eyes down there when they can; hopefully since the kiddos are back in school we might not have any issues anymore; also we're preparing for our largest event; the Labor Day festival; as usual I expect things to go fairly smooth with that as well; as Dick mentioned our seasonals; the street department lost our last two seasonals last Friday; they did an exceptional job; they helped us out tremendously through the summer; those guys did a great job; last but not least we are just wrapping up the interview process for a position in the street department that was made vacant by Adrian Clark; he did decide to move back to Florida to be with his family; God bless him; I'd love to go with him; but he was great for us and it's going to be a tough position to fill; thanks to Adrian for all of his work;

Rick Brown - Good evening everyone; after completing my certification for the certified ethical hacker I began to put together material for information presented in an instructional environment; the facilitation of the initial infrastructure phase is complete; subsequent phases will involve black hat and white hat penetration testing; the purpose of this testing is to determine the weakness in the infrastructure and the applications and the people in order to develop better controls; it's also to ensure controls have been implemented and are effective; this provides some insurance for the information and security of senior management; it's also to test applications; it's often applications that are avenues for attacks; and it's also used to discover new bugs in existing software; Microsoft patches and any patches from other companies; continuing with the server upgrade; you've heard that for a few months; two servers to go and the architecture; I've completed the preparation for all the external servers that migrate to the final two servers; the project is currently waiting on a newly hired vendor to complete some programming; note on that, a newly hired vendor; we don't have the old one anymore; phones have an enigma inside of a conundrum; resolved an issue with our ISP on the service issue with the phone; a seemingly simple test took on characteristics of an overly complex algorithm; many starts; few completions; but once they put in the proper change our caller ID in phones went back to normal; Microsoft has added a little bit to the tribulation with the update to our DHCP (Dynamic Host



Configuration Protocol) by not correctly updating a failover mechanism. This would render our phones incapable of functionality; A workaround has been implemented until Microsoft rectifies the issue; Beginning a feasibility study on the use of Microsoft Sharepoint; Microsoft SharePoint is a management platform; in simpler terms, it is a content management system; It allows groups to set up a centralized, password-protected space for document sharing; Unplanned activities included: Replaced a network switch at the water plant due to a shortfall of electronic provisioning; Updated the productivity software for pool management; Additional planned task included that were completed: Completion of the annual Microsoft software audit; Paperwork should soon be conveyed to the Finance Director for signature via the vendor; Changed enterprise wireless password; Attended Cyber Awareness training sponsored by the State Auditor; Continued the process of firmware updates to the equipment; Continuing to keep all software updated; Any Questions; Jarvis: is there some reason why you're being driven to look at SharePoint; Brown: absolutely; our file share server is a collection of duplicated documents at best; drawings and things like that are large in size and take up tons of space; and so thinking about a better way to do that is to organize things into projects instead of Bill has got files, Joe's got files, Matt, everybody has the same files and stored on different locations; you can bring them all in a project and they can share the same document and even versioning of that document could allow people to see those and store them in one space; so it's more effective and it cuts down on costs of hard drives and things like that; Jarvis: so it's mainly duplication and aversion control; Brown: a tremendous amount of duplication;

Joe Taylor - Good evening; Rawdon Myers who is our SCADA contractor they were doing some on site antenna work today; we've been waiting on them for that equipment to come in for about a couple months now; so they got the water plant done; new antenna set up there; Steve and I worked with a consultant called Gustin Controls for some pricing on surge protection so we're going to review that and determine if that's something we would be interested in looking at; month of July we averaged .963 million which is around 48% of capacity and that was during what I would call the drought period we had there for three of four weeks we didn't get much rain; also the AMI meter system is still ongoing; we're about 1,170 units, the guys continue to work on that; we've been going through kind of the vacation phase so it's been a little slower this last month but that should pick up here at the beginning of next month; we're scheduled to do a wash out inspection and cleaning of south Gender water tower; that's supposed to start the middle of next week; so we'll be draining that the first of next week so they can do the inspection; wash out any sediment in the bottom that and then we'll refill it; we're scheduled to do hydrant flushing mid-September; looks like the 17<sup>th</sup> through October 5<sup>th</sup>; next week on the 27<sup>th</sup> we'll be doing meter reading and then shut offs on the 29<sup>th</sup>; no customer complaints the last couple cycles;

Sargent Cassel - I gave you guys the stats for July; I'm going to read those for you; dispatch calls in July 550; pick up runs 984; multiple unit call 237; reports taken 91; addendums to those reports 19; FI cards 4; civil attempted 22; actually served 18; 4,803 building checks; 80 vacation checks; 97 traffic stops; 87 citations; 58 warnings; 1 felony arrest; 25 misdemeanor arrests; 20 warrant arrests; 3 OVI arrests; 5 pink slips; one felony arrest; 25 misdemeanor arrests; 20 warrant arrests; three OVI arrests; five pink slips; one charge pack forwarded to Franklin County; seven summons in lieu of arrest; 44 misdemeanor charges filed; and the average busy time was 62.48% of the time; so that's right where we need to be; and with the school starting and the weather getting colder we will start slowing down so that's a good thing; that way we concentrate our efforts on our patrols where we really need them instead of running to Walmart and Meijer for thefts and stuff like that; that's all I have;

Shane Spencer - Thank you Mr. Walker; as Mr. Sims had kind of gone over Gender Road phase IV project; it's chugging along with construction; also with the completion of the construction activities of the 2018 street program; again as Mr. Sims indicated we are going to be starting to look at identifying cost scope of improvement candidate areas for next year's program; along those lines I think one thing too that we have been doing the last couple of years with that program is utilizing some newer technologies relative to paving; I think so far it's gone pretty well; we've been able to really extend what we can do with a dollar; so I think it's trying to think ahead; and be on the forefront with some of the technologies that we can utilize; I think we're seeing some rewards on that; a couple of other miscellaneous items; I've given several reports relative to partnering with the railroad on the High Street crossing upgrade; we did receive a verbal with the local office would support that; they're planning on proposing that in the budget which means corporately the railroad would look at finalizing that in October; so that's when we should see something formally; they do plan on a similar type of partnering as we did on Gender Road; then finally we did look at a few things but ultimately we will not be submitting an OPWC application which was a funding mechanism for Gender Road through the previous phases; this year not a lot of really strong candidates ??? 25:00; keep in mind applications are always due in September; it's a very good program for loan and grant money for transportation related purposes; any questions;

#### E. Request for Council Action

##### RES-18-012

Mayor

A Resolution Strongly Urging The Ohio Governor And Members Of The Ohio General Assembly To Invest The State Budget Surplus In Municipalities (Resolution)

- Request to move to full Council

Mayor: basically what that's doing is asking the state of Ohio to give us back some of the local government funds they've taken away from us over the last five to six years; I forget what their surplus is now; 800,000 or 80 million or something like that; they've built it back up to a point that they can start doing that; that's what we're asking for; Bennett: my question is an organized effort from mayors from around central Ohio; mayor: all around the state; Clark: is the surplus they're asking for; they're declaring that there's an excess surplus that's over the state minimum of what it has to be and so instead of going to a tax withholding reduction for the taxpayers you're asking to divert away from that to give it to cities around the state of Ohio; Mayor: we'll take it any way we can get basically is what we're saying; but yes that's the way it reads; Clark: do you know how much that's over; it's 147 in it now; do you know how much over it is; with the maximum level; let's say its 130 so you get maybe 17 million; I'm just making that figure up but do you know what that number is; Mayor: off the top of my head I do not; sorry about that; Clark: do you know how the cities will get this money; how it's going to be disbursed equally; Mayor: we may not even get it; Jackson: I don't think that's been decided; all this is, is urging the legislature to consider giving it to us; Clark: I mean until I know that we're going to have a fair shot of getting any of that money back I can't support this; Mayor: that's your prerogative; Clark: if there was a mechanism that guaranteed a certain percentage back to each city; Mayor: right now it's an awareness issue; we want the state to be aware that we know that they have a lot of extra money that should have been coming to the municipalities to begin with and they've taken away from us; Clark: I understand and the local government fund has been reduced and taken away; until I would see some formula that would be fair to a small city like Canal; I just think this money is going to be diverted to Columbus, to Cincinnati, to Toledo and Cleveland; and the majority; and their projects are all going to line up and we're going to save the crew and everything; Mayor: well we got to do the ask first; we have to do the ask

first; then probably the problem solving will come later; they're not going to problem solve now and then we ask later; that's for sure; Clark: I mean I'd rather see the money come out to the citizens of Canal Winchester and then we; let's say everybody gets thirty dollar windfall from this; I mean I've paid a lot state taxes and I get thirty dollars; I'd like to take that and increase our taxes here and take that directly to the city; so that way we're guaranteed that share; so every household gets a reduction in their taxes from the state and then see a big tax increase from the city then that would be a wash; say it's 30 bucks; if we figure out how much that would average out; then we take a tax increase; then we would get all that money; Mayor: my guess is if we make it that much work for them then they're not going to do it; Clark: well that's no work; that's just letting the process play out; letting it come to the citizens and then we go out and say you got a rebate of 30 dollars from the state; we're going to increase 100th of one percent of whatever taxes to take it and give that to the city instead; Jackson: I don't know how we would do that tax increase Mr. Clark; that you're speaking of; Lynch: Mr. Clark do you have ways as to how you would collect that; would that be through income or property or what; Clark: you could do both; you could do a property increase or you could do an income; we've got room in the income tax; we can go 2.5; we're at 2 right now; so you've got half of a percent to play with; Jackson: I think that's a very, very large conversation that I don't think we're prepared to have; Mayor: it's not going to be a reimbursement anyway; we do still receive local government funds; a little bit; Jackson: yes; Mayor: it would just be in addition to that; Clark: but at the expense of taxpayers getting money back from the state from what they paid into the state; Peoples: they would pass an additional income tax cut; Jackson: yes that's how I read it; Peoples: it's not like they're taking money away from them; Clark: right but you're taking away what you would get back; Jackson: that could just be a onetime thing; that doesn't mean it's going to be a permanent tax cut; Jarvis: has anything like this happened in recent history where they had a surplus and how did they dispose of that; Jackson: to be honest I don't know Mr. Jarvis; but this piece of legislation is no different than a lot of others that we've done basically saying that we stand behind this money coming back to us; we did something similar when they were going through the income tax legislation saying we're opposing this legislation; that's basically what this is just us showing our support as a member of the Ohio Municipal League;

**A motion was made to move Resolution 18-012 to full council by Bennett, seconded by Lynch, The motion carried with the following vote:**

**Yes 6 - Bennett, Lynch, Amos, Coolman, Jarvis, Walker**

**No 1 - Clark**

**RES-18-013**

**Development**

A Resolution Approving The Recommendations Of The Tax Incentive Review Council For The Franklin County Tax Abatement Areas Within The City Of Canal Winchester (**Resolution, TIRC #1, TIRC #2, Gender Rd TIF**)

- Request to move to full Council

Haire: thank you Mr. Walker; as many of you recall this is legislation that we do each year; the city has a number of community reinvestment areas which allow for real property tax abatements on those properties and we also have a number of TIFs; the state requires you to have a tax incentive review council that requires you to use those areas each year or use the results that are gained from having those incentives and then make recommendations; we held our taxes incentive review council meeting on July 26th; one for the Franklin County areas and one for the Fairfield County areas; and they were recommended to continue all of those abatement agreements; in Franklin County we have 17 parcels in two areas; 16 in CRA number 1 and 1 in CRA number 2; and most of those parcels are smaller properties in the Old Town area that have had renovations

done on them; a renovation on a commercial property they're given a ten year 100 percent abatement on the value increase it's gained from those renovations; there's also some larger agreements that we have; BrewDog, TS Trim, some larger industrial that would be more out in the Gender Road area; in CRA number 1 in Franklin County that resulted in a little over 13 million dollars in abated value; 391 thousand dollars in forgone tax and the creation of 332 jobs; and in CRA number 2 is just one project that resulted in the creation of 7 jobs; that's over on Trine Street here; and then in the Gender Road TIF there's data there based on the amount of money that we took in last year; the amount of money that we have taken in accumulatively so far; and what we have expended money on or what we have agreements to expend money on in the future; Bennett: Mr. Haire I guess one question is businesses get a TIF incentive and let's say they're no longer operational how does that continue to be part of the renewal; Haire: so are you talking about a CRA, a real estate tax abatement or the TIF; Bennett: the TIF program; Haire: so the TIF basically the value increases and when you pay your real estate taxes you pay taxes just like you always would; it's just part of that money is redirected; so out of all the TIF parcels we have we only have typically when spaces go vacant they're still paying the real estate taxes; Bennett: understood; thank you; I wasn't making that connection; Lynch: Mr. Haire it's my understanding that we collect that money and basically hold it until we have a project to where we release it to; Haire: yes you can do it that was or you can issue debt; some municipalities issue debt but we have not; Amos: is this review council, is this the group of council members that went out to the buildings to verify; Haire: it's a separate council; that's actually called the housing council; so you have to have a housing council; which I am the housing officer for the city of Canal Winchester and we review the abatements to say whether they're meeting the terms of their agreement; and the tax incentive review council is actually run by the county auditor; so they confirm the findings of the housing council;

**A motion was made to move Resolution 18-013 to full council by Clark, seconded by Coolman. The motion carried with the following vote:**

**Yes - 7 Clark, Coolman, Amos, Bennett, Jarvis, Lynch, Walker**

**RES-18-014**

**Development**

A Resolution Approving The Recommendations Of The Tax Incentive Review Council For The Fairfield County Tax Abatement Areas Within The City Of Canal Winchester (**Resolution, TIRC #2, Diley Road TIF, Greengate TIF**)

- Request to move to full Council

Haire: thank you Mr. Walker; this is the same resolution as we just passed; this is the Fairfield County portion; all of these parcels that are within the CRA are in the Canal Pointe industry and commerce park; there are 14 properties that are currently receiving a real property tax abatement; as a result of those projects there is a total appraised value of 17 and a half million; total abatement values 11.3 million; and the estimated taxes abated there are a little over 300 thousand and it resulted in 997 jobs being created; the tax incentive review council met and recommended that all of the agreements be continued; the TIF areas; we have two TIFs in Fairfield County; the Diley Road TIF which was adopted in 2007 which is around Meijer and the hospital site Diley Ridge; and so that one we have accumulated 1,1 million dollars up to this point but we do have an outstanding agreement with the Diley Ridge Medical Center; it's a liability of 881,000 that they have not requested reimbursement for at this point; so that agreement is still outstanding and that money is still kind of hanging out there; and then the second TIF, the GreenGate public improvements TIF; that was one that we adopted in November of last year; so there was no collections in that for the 17 calendar year; because it

actually doesn't go into effect until 2018; but since it was adopted in 17 we needed to report a zero balance on it;

**A motion was made to move Resolution 18-014 to full council by Bennett, seconded by Amos. The motion carried with the following vote:**

**Yes -7 Bennett, Amos, Clark, Coolman, Jarvis, Lynch, Walker**

**ORD-18-030**

Public Service

An Ordinance To Set Water User Fees For Customers Outside The Special Water Allocation District (**Ordinance, Rate Proposal Exhibit**)

- Request to move to full Council

Jackson: Mr. Walker if you don't mind we're actually going to tag team this; and if you don't mind we're going to do ordinance 18-030 and 18-031 at the same time; Peoples: just as a background we've been reporting this for a little while that our four year rate ordinance is up at the end of this year; this is the end of the second four year rate increase that we've had; the ordinance goes for four years; Mrs. Jackson put together a presentation on our proposal; Jackson: this is very brief given that we're running a little short on time today; this right here is a table of our utility rate history; actually Mr. Peoples I think handed this out for you to look at; just so you can see where we've come since 1998 through 2018; when we have increased; when we have not etcetera; when we are looking at this these are some of the things that we take into consideration; customer changes, the number of customers, the type of customer, what their water usage would be which goes hand in hand with the usage changes; houses tend to use a little bit less water than maybe a large industrial user; so we look at all of those that we know have happened and may be coming in the future; that's sort of on the revenue side if you will; so then we look at the expenditure side; salaries and benefits; that's something that's slightly easy to predict; we know where our staffing level is and we can predict where we think are salaries are going to be; benefit may be a little bit more difficult just with increases and insurance premiums; then we look at our chemical usages and our costs; is that usage increasing; is the cost increasing; a lot of time the answers to these questions are yes; current debt that we have outstanding and any potential future debt that we know about today; projects that we think we might have to issue debt for; taking all that into consideration; utility increases; so this is mostly electric for both of the plants; but also gas and internet and phone and those types of things; known capital projects; if we're going to do anything big within this four year time span; and then just other general expenditures; third party contracts that we have; labor and rates increase; parts increase; things like that; that's everything we look at when seeing where do we think we need to go; so putting all that together here's kind of where I predicted we would be in 19,20, 21, and 22; bottom line is water; top line is sewer; in sewer we always spend a little bit more money than we do on the water side; but you can see that in 2019 we're starting at about 1.6 million dollars in expenditures in water; 1.8 million in sewer; at the end of 18 we're going to probably be about 1.5 in water and between 1.7 and 1.75 in sewer; so not huge increases from 18 to 19 but there still will be increases; and you can see that for the most part everything's going to go up in the sewer; in the water you'll see a slight little dip and that has to do with some staffing; we do predict out when we think some of our employees may retire and so we're taking that into consideration there; so then we look at the revenue; where do we need to be with revenue to maintain our fund balance; currently I think both of our water and sewer fund balances are very strong and we'd like to maintain them as much as possible; so we looked at four different options; a two percent increase in each of the four years; a two percent increase in each of the first two years and then a zero percent after; a two percent increase in the last two years' so zero, zero, two, two; and a one percent increase in each of the four years; so I used some water plant data to determine how much

by each of these increases; how much revenue we would generate; did a few adjustments for some of our more obscure customers; things that maybe you guys don't think about when it comes to water and sewer; revenue collection; and then we compared the revenue to the estimated expenditures that I just showed you; so we narrowed it down to these two options; a zero percent, zero percent, two percent, two percent is option one; and then one percent for all four years is option two; you can see how similar they are which is why these two seem to be our best case scenarios; so what this is showing you is where our water revenue would be and where our expenditures would be; again water is on the bottom and sewer is on the top of each one of those; ultimately both of these end with our rates being exactly the same at the end of 2022; so here is our proposal after Matt and I discussed; we opted to present to you this evening the zero, zero, two, two option; so our customers will not see a rate increase until January 1st of 2021; these are per 1,000 gallons; they don't apply to the special water allocation district and we did not change the bulk water rate as you'll notice from the ordinance in front of you this evening; but we feel very confident that these will help us maintain our fund balances over the next four years and offer our customers the best that we can give them; Peoples: just a little history on the current ordinance that we have on; water was two percent for each of the four years; sanitary sewer is what you're seeing there; zero, zero, two, two; so when we put these together after reviewing them we had the opportunity to have no increases for a couple years; I think that really made us very happy with the shape that we're in;

Peoples: I think that Mrs. Jackson put together some proposals that were very fiscally responsible; we're not asking for too much but we're also doing what we need to do to maintain our system; Jarvis: so you feel that we can hold the line for the next two years without going under water somewhere; Walker: or under sewer; Peoples: I'd rather go under water but; Jackson: our fund balances to date are such that if we had to dip into them we would be okay; Mayor: we don't want to be like the state and take all the resident's money; Lynch: is there any advantage to the city to do a one, one, one, one; one percent each year as far as getting the money now; Jackson: the cash flow; we did discuss the cash flow but we're not overly concerned about it; Peoples: typically you generate more revenue if you do one, one, one, one rather than four percent at the end of the year; you would actually generate more revenue with the multiple year; Lynch: we can bring that in and put it in our fund and make interest off of it too; Peoples: because they were such small amounts though having those two years of no increases was very attractive to us; just for us to say that for both water and sewer to have the ability to go two years without any rate increases;

**A motion was made to move Ordinance 18-030 to full council by Lynch, seconded by Coolman. The motion carried with the following vote:**

**Yes 7 - Lynch, Coolman, Amos, Bennett, Clark, Jarvis, Walker**

**ORD-18-031**

Public Service

An Ordinance To Set Sanitary Sewer Fees (Ordinance)

- Request to move to full Council

**A motion was made to move ordinance 18-031 to full council by Coolman, seconded by Jarvis. The motion carried with the following vote:**

**Yes 7 - Coolman, Jarvis, Amos, Bennett, Clark, Lynch, Walker**

**F. Items for Discussion**

**18-088**

Bed Tax Grant Application Update (Guidelines 2018, Application 2018)

Amos: there was a group of us that went over the bed tax application and current rules; and I apologize some of the strike throughs did not come through on your version; I think the email did not like them; just a few of the things that we changed; wording wise the grant money should not be used for expenses related to a for profit venture; applications will be eligible for consideration instead of scored; they have to do a complete application; we did add in there that you could not use the money for conference and travel fees; so we tried to be a little more specific on a few of the things that we had seen across the years; the other thing we wanted to know is where do you see this going in the next couple of years; we really want to try and pull some more information in; and on the application you will see that we really ask a few more questions such as where will this be in the next couple of years; if this is a new event we want to know how it went; tell us about this event; how many people came; Clark: you mean of it's an old event; Coolman: old or new; it was basically to see the impact on foot traffic in Canal; because it's supposed to draw foot traffic into the Canal area and to have them enjoy our amenities; Clark: so how many people it's going to draw; Coolman: so how many people is it drawing historically; if it's a return event; if it's a new event; what's the projection; Amos: we really want to see the statistics; and we feel like that will give whoever is on that committee a good chance to look at it and evaluate how much we can improve it to earn funds; they can base it on how many people; we can use that information to help them along their determination process; the other thing is we did decide I think as a whole that we did want to leave it as humanitarian and visitors but we did not set a set rate for that; right now it's about 45-55 as far as applications and how much we spend on humanitarian versus visitation; Jarvis: if we're strictly following criteria though humanitarian effort would score lower; Amos: so in the rules; Coolman: is the rules typically what the eligibility calls for is all wrapped around tourism and bringing people that don't live here into our city to enjoy the restaurants and shopping and things of that nature; something that makes them want to stay overnight; originally yes that's what it was for; and that's pretty much what we hung our hat on in the past; and that's where the monies were given out more on the basis of tourism versus the non-tourism efforts; Clark: is there language in there that says we give preference to applications; Amos: I did find the language I was looking for so one of the reasons we decided that we did need to set it in stone is that in the language required documents it does say the projected impact on Canal Winchester and it's residents for visitors and the timeline of the project; which left it open to be able to use them on humanitarians; like we have the after proms and things like that; it kind of left it open for us to use it on the humanitarian since it didn't really lock us down one way or the other; Coolman: as a growing community we didn't feel it justified to put a cap because we don't know what direction we're going to grow; it's hard to predict the future; so we left it open but we wanted to make sure we had some scoring or eligibility criteria; Mayor: I've got a question; on the application page under project summary 1b the last it says number of participants; Amos: so if there was participants in this run your stache off, after prom, things like that we'd like to know the number of people that attended this event; Mayor: okay so who attend these then not participants; Amos: well it could include volunteers; so just the number of people who participated in this event as a whole; would you like to see it broken down further; Mayor: well if you're looking for visitors; if that's what you're looking for then it should say people who attended; I don't think it should necessarily say volunteers or people who have worked; I don't think; Amos: we could break it down further; Clark: I'd like to know if it's just people that were helping as part of the community or if it's actually bringing a visitor in spending new dollars into the community that then strengthens our small business that then can donate to humanitarian aid and a lot more things like that; Mayor: I don't think we'll ever find if they're people from outside the city unless you just see total strangers and you walk up to them and ask them; you'll never find out how many are home towners and how many are people visiting; Clark: yeah I guess; Coolman: the intent of that was we were looking more for people who were participants who were coming into participate in the event who was bringing someone from outside of Canal into Canal; it was also to kind of draw a correlation between if they asked for a fair amount of money and they were granted it and the event was a bust; you had

five people that participated yet you received \$2,000.00 in grant money; versus we had more locals who were volunteering their time to help manage the event and we actually had attendees; that's why we put the word participants in there; we thought if it was an event that drew outside people we needed to be able to measure that; to give you an example like the Blues and Ribfest; when that's coming to town we know that brings people because the only hotel we have in town is booked; and it's booked a month before the event; so we know that has an impact; that's just an example; not that it applies here; but we don't know with the other events that are going to come forth so we have to have some kind of measuring mechanism; that's what we wanted to use it for; Jarvis: I would like to see that qualify but how did you determine because sometimes it can be done in a quantitative way and sometimes there's other factors and you put them all together; but also there's a typo on one of your red line additions right before final project report; where do you see your event going over the next two years; on my copy anyway it's even; Coolman: just your copy; Amos: I would just like to point out before we met Mr. Lynch did offer a suggestion that I would just like to put on record; he suggests that some of this money potentially be used for projects around Canal Winchester at this point in time because we don't know how the funding is going to pan out for this year and with the two new hotels coming on for next year; we held off on answering or adding that into the equation yet; but I would like it just noted that he did ask for us to consider potential projects; that residents could come and ask for money on potential projects in the city; Clark: could you give me an example of what those would be like; Lynch: anything like infrastructure, capital improvements, if someone wants to do something with the railroad trusses; we have money set aside to do that; we want to put up street lights, we have some money for improvements; Mayor: railroad trusses are not ours; Lynch: I understand; but just general projects around town; Clark: okay; Lynch: planting additional trees in an area; things of that nature; Bennett: I think that's one of the things that came up; I do remember you bringing that up; I think I stated too that this is open to that; it's doesn't exclude that already; so as a resident you want to apply; no different than neutering cats or after prom; these are community events; if there was a community project; Clark: but you would have to be nonprofit though to do it; Bennett; yea there might have some structure around that; Coolman: the intent is to draw people into town that don't live here; keep that in the back of your mind; that is a fundamental; Clark: right I agree with that whole heartedly; it should be a priority; we want to bring people into the community to create wealth and it creates new wealth when we bring in people; then we can help people later; Amos: half goes into the city's general fund; a quarter goes into Destination Canal Winchester for travel and tourism; and the other quarter goes into bed taxes; and that other half has been used in the past for downtown improvements things like that; but it really expresses; Coolman: that's the city's side; Jackson: Mr. Walker I need a little direction on where you'd like to go with this; this because we are changing it would need approval by council; so if council would like to see it as an ordinance at their next meeting I would need to know that; Amos: so if we put it through we just need to mention that we're going to change that one line; Jarvis: is it on the agenda this evening; Jackson: no but I would like to know for the next meeting because typically this is available October 1 and we're coming up on September; if you'd like to wait and give me an answer in the first meeting in September that's fine you'd just have to pass it as an emergency legislation at the second meeting in September in order for it to be available by October 1; Walker: let's go ahead and move it to the next council meeting; Jackson: so I will prepare an ordinance that will be on your work session September 4th and available for first reading that same night if that's agreeable to everyone;

**18-089**

## Westport Homes Representative

Jackson: we have a Westport Homes representative if they would like to take the podium; Mautino: thank you very much; this is coming back to the Middletown Farms community that we discussed months ago; we did hear you all and we've made some fairly significant changes to this particular plan; if you recall this is about version number four of this plan; if you recall the plan was originally approved back in 2005 when this



particular property was approved in 2005; it had a total of 209 units with 133 single family and 76 attached; the most recent plan that we all presented to you a couple of weeks ago was 175 total units or total home site; what we've done here is we eliminated all of the empty nester home sites; we're replacing the empty nester with a 75, 80 and 85 foot home sites; again going back we would replace that then again with the traditional single family homes; the total home site count is down considerably from what we proposed initially; I know we spoke a couple weeks ago about the Canal Cove site and how this site contrasted; Canal Cove was approved back in 1996 or 1997; at Canal Cove that site had 83 acres in total; the net acreage was 67 and the number of homes sites was 238; this site here is 79 acres; here at Middletown Farms; it is 63 net acres and there are a total of 162 home sites; so down roughly 76 home sites or units or overall 30 percent; Canal Cove's gross density was 2.85 units; this particular site now is down to 2.0 units per gross acre; additionally in Canal Cove there was roughly ten and a half acres of open space for a total of thirteen percent; this community here and what we're proposing is 22 and a half acres of open space or roughly 35 and a half percent; lot widths in Canal were 70x125; as you'll note here and get more comfortable with we're now proposing 75, 80 and 85 for the home sites; so we go from 8,750 square feet on the 85's we'd be looking at 10,625 square feet; price point with the larger home sites and with less number of home sites we would be looking somewhere starting in the 350 range and getting up over 400 thousand dollars; I could easily see these home sites coming in anywhere between 65 and 70 thousand dollars and that would be a wholesale direct from Westport Development to Westport Homes; the one other point that I just wanted to make here is that the code states that the plan district development should provide a more useful pattern of open space and recreation area; we feel that we've done that with these 22 acres; the connectivity; the active park, the passive park; it should preserve and utilize natural topography and geological feature; scenic vistas; trees and other vegetation; clearly as you've seen before that preservation area in between the two sub areas enhances and speaks to that; provide a more efficient pattern of development that reduces investment in utility lines; streets and similar infrastructure; when you're doing 90 foot or 100 foot home sites that is in direct contrast to reducing the investment in utility lines and streets and similar infrastructure; this community definitely promotes the development pattern in harmony with this particular land use; now with all of that said Tom Hart is going to assist me in handing out what we, how we do in so many aspects now comply with code;

Hart: knowing the time I'll be very brief; what we've done is we've gone through and provided analysis where this proposal as amended is altered would meet the code and then we've highlighted in yellow on the two and a half sheets where we still would not meet the R3 standards for the code adopted in 2006; and basically I'll just summarize it real quickly; we're still going to struggle with the code requirement to have a fourteen thousand square foot lot; 75 foot, 80 and 85 foot lots; most of urban jurisdictions we can't get to 14,400 square feet; we also as Jack kind of emphasized with the perimeter open space we have with the common open space we have of 35 percent; code is 20 percent; we still need some rear and front yard setback modifications; five feet; we do meet the side yard; we have come back with a plan that meets the side yard requirements; the only other thing that's outside of the lot challenges we have are that your code specifies that a garage be placed four foot behind the living area of the house; we are proposing that we would be flush with the porch; so we'd have no garage past the porch; we think the porch is an appropriate architectural element and another modification that we would request; we know time is short; we tried to take our best shot at it; trying to meet the market and meet the feedback that we got from you all; if council would be willing an action point might be for you to consider referring us back to P&Z to work on the details and work on the process with planning and zoning; we'd like to have a chance at it but; we recognize you might not decide what to do with our case; we are pending before you tonight and we'd ask you to consider your action on this now or in a future meeting;

Amos: I see that you've met now the 20 between houses which makes me a lot happier but on your paper you say that requesting between 8 foot and 12 foot flexibility to accommodate side load garages; so that would be the only case in where there would be a difference in that;

Mautino: No they would all be set at 8 or 12; to accommodate a side load garage on an 80 foot I'd like the flexibility of taking the home to within 8 feet and 12 feet on the other side; the side load garage would require roughly 25 to 27 feet; to get adequate turning radius on the driveway you need to have roughly 25 feet; from that point if there were 8 on the one side there would be 12 on the other side;

Amos: with the changes that you're proposing with the reduction on home are we still looking at the same level of quality on the material that you're using; Mautino: yes ma'am; we're not asking for any changes to what we proposed before with material; particularly on the architectural garage doors; before we had requested that the garage be set four feet in front; now we're saying we'll take that and pull that garage all the way back to or flush with behind the porch but still put on the architectural style garage doors complimenting the architecture; Hart: you have a four sided architectural requirement in your code and we'll meet that; Amos: the porches we said were around 100 square feet of space minimum; are we still looking at that with the new design changes that you've put in; Mautino: yes ma'am; so they would be set at a minimum of 100 square feet; Amos: and you're asking to bring the garages flush to the porch; Mautino: flush or behind; Amos: did you bring any pictures that demonstrate that; is that something that you could email; Mautino: that's something we'll have to work on and to be quite honest with you we'll have to rework some of the porches; extending the porches out further with a little bit less pitch; there may be a different material on the porch; but I will have to work on that design change; Lynch: so you're saying the porch is 100 square feet; does that mean they're a minimum of five feet out; Mautino: there would be a minimum of five feet; Lynch: no four foot porches; Mautino: No four foot porches; Lynch: the four sided architecture you talked about on the size of the house; give me some specifics as to the minimum that you would do; Mautino: What the code states is that you would have a minimum on two stories you would have a minimum of either two windows of a minimum of I believe six square feet; Lynch: per floor; Mautino: per floor; there will be no blank walls; there will be some type of gable vents at a minimum of so many square feet; Lynch: and that counts as one of the architectural items; Mautino: it does; Lynch: in lieu of a window; Mautino: It could the way the code reads yes; a service door a chimney; Hart: the codes not exclusive; it lists six elements or other items or architectural features; we would expect to go through permitting process and have the staff verify if something is inappropriate; of it's not on that list; Lynch: all these windows with trim around them; Hart: vinyl; Lynch: have you thought about upgrading the grade of vinyl on the houses; Hart: right now we would propose upgrading it to a .44 from a .41 or .42 but in addition to that we would stick with the cementations for us and we're matching the profile; Lynch: the siding matching the profile but still being a .44; my concern with these houses are more so the aesthetic; so what is being built as opposed to the lot size; I think you guys have done a great job as far as keeping a lot of common area; I like that fact that you got 30 some percent of open space; I think that's wonderful; but it's just the quality of the house that's my biggest concern; Hart: we are in the market and trying to meet the market; our challenge is always to meet that market price at 350 to 400 with what people will want to buy; you know what they want; I will just say that, that would be something we would try real hard to work through at planning commission if you gave us that shot; Mautino: I was just going to say at this price point I would expect that an upgrade or a full cementation siding would be offered; Lynch: do you do these style houses anywhere in Columbus with fiber board siding all the way around as opposed to vinyl; because I don't think they allow that in Dublin do they; I know almost everyone allows cementation siding or concrete fiber board; Mautino: in the city of Dublin to answer your question; yes we have two communities; one in Berlin Township at the corner of Cheshire Road and that community is an all-

natural community; as well as one across the street in Berkshire Township; Bennett: with their vision from the empty nester style home to single family focus; is there still an HOA or has that now gone away; Hart: great question; there would absolutely be an HOA; and the HOA of course would be responsible for maintain all of this common area; Bennett: but there wouldn't be the same level of service as previous with the empty nester unit; is that correct; Hart: correct; there would not be a sub association where additional services like lawn maintenance provided to that type of association;

Bennett: then I guess; one question about, I know there are pathways through the greenspace; I think at one plan those were limestone paths; now with all of this being single family home; is there cause for maybe revisiting that from maybe limestone to paved; and now all of these homes are inviting children in so I didn't know if; Hart: I'm familiar with issue in lots of jurisdictions and the cost is about the same; you arguably have better wear over time with asphalt; the limestone is a pervious surface that allows water to filter and it's arguably better for the for a stream protection area like this; the cost is about the same; Mautino: and then maintenance is more expensive to maintain the limestone as far as treatment and replacement so we would certainly consider asphalt; Lynch: just one last question; you switched the empty nesters to single family homes; was that just to create that space between houses; was that the only reason you did that; or was that a cost savings on your part or what; Hart: it was actually two or three fold; one to lessen the density and get the space between the homes; what my fear was what became very apparent after the last meeting was one we needed to reduce the density, two we needed to increase the side yard; three we had to address the side yard issue, four was once we got this much open space and a price point and where it was moving coupled with that sub association and maintenance fee of another \$100.00; it's much easier to sell a \$400,000 traditional single family home than a \$350,000 empty nester home with a sub association

**18-091****Residential Building Standards Update (2018 Draft Residential Standards)**

Haire: this was the result of council setting up a committee to look at these standards; we've had three meetings; we met the first time on June 20<sup>th</sup> and have had one meeting a month; and we feel like we're at the point where we have some draft standards put together; I will turn it over to the council members that served on that committee to kind of talk about those standards we've come up with; Lynch: a lot of what we did was we took the standards that were developed in 2006 and we kind of said what can we do; can we make these even better; part of the conversation we just had here where we want to make sure that we're building good quality houses in this community that will stand the test of time; and kind of reflect the old town nature of our community; so what we looked at were fireplaces, porches, size of porches, four sided architecture; we actually increased what was required on the side of houses as well as driveway widths, window trim, siding, garage position, shingles, overhangs on roofs and believe it or not we didn't mandate gutters on houses; so that's in there too; so it's just a basic going through and kind of tightening up and be a little more specific with some our building regulations residentially; what we did take out was the lot coverage codes that were in that particular section; that was moved more toward the other zoning; is that correct; or is that still in there; Haire: correct; we took out the minimum lot sizes; and left those to the specific zoning districts; we have a number of zoning districts already set up that have those standards; it's confusing to have them in two places; we removed the lot standards and just left it more as architectural standards; Lynch: architectural and aesthetics; I want to thank Mr. Haire and Mr. Moore for their time in helping us put this together; Coolman: on some of that improvement on the code you talk about vinyl siding increasing it to a 4.6 inch thickness; does that include insulation; is it insulated vinyl or is it thick enough vinyl that we don't have to worry about weather like hail; Lynch it's supposed to be a better grade; just a higher grade and hold its color longer; Coolman: I realize its thicker but does that take away the brittleness of it versus if you insulate the vinyl Slab; I'm just an insurance guy by trade so we find we pay less claims on vinyl that's insulated because it has some

backing versus a hollow piece of vinyl that becomes brittle over time; Haire: it's not required; it's actually referring to the thickness of the of the vinyl so it's considered a premium quality vinyl when you get into that .46; Lynch: we're getting into the aesthetics as opposes to more of the building code; Haire: it is more of how it wears overtime so the color fade the warping you will find in certain areas with some vinyl's; some builders use pretty low grade that warps; you'll see that when you're driving down especially on a lot of the blank walls; there's places that a neighbor may put something on their house that melts the others neighbors siding; because it's so thin; that's the idea behind it; Clark: I think there was something about insulation wasn't there; thickness of insulation or not; Lynch: it was just thickness of the vinyl itself; from 44 to a .46; and we also got into the detail of trim around the widows; I don't think that was ever addressed; a lot of home builders will bring vinyl siding right to the edge of the window without anything around it and again we're trying to avoid that look; Mayor: that's the way they make a lot of windows now; the widows have it where the vinyl fits behind it; Walker: the vinyl cloud; Lynch: so again we're trying to create a better appearance; Jarvis: where to do we go from here and how do we move this forward; Lynch: if I understand it correctly we make recommendation and then it goes to zoning then it comes back to us; Haire: what we would have to do is this is something that we feel like the entire council would like to amend then we can take this to planning and zoning commission for their recommendation and bring it back to council; so the idea tonight was just to have the discussion to see if it's something that the entire council felt there was a need to amend; we met as a committee the first meeting; we just talked about what residential standards are, what they apply to, what they do not apply to; so these would not apply to any currently approved planned districts; so we have approximately 595 homes that are approved and existing planned districts that these standards would not apply to; and so there's still 595 houses that can be built I our community that wouldn't meet these standards; it would just be anything new that's coming forward in a planned district that would need to meet these standards; or justify what they're proposing and these standards instead would be better; Lynch: if I understand correctly too if it's a planned district they can veer off these standards but at least this gives us some kind of guideline to go by; building form here on out; Haire: correct; and these would apply to every area that's zones R3 that's not a planned district; there's neighborhoods in Canal Winchester that are just R3 standards; where there's still a few vacant lots in this neighborhood; Lynch: do we need a recommendation to move this to planning and zoning; Haire: no just general discussion; as long as we feel like that's appropriate; Jarvis: that's the problem; there's no punctuation on this thing; he's looking to see if there is anyone who has an objection to it; but there's no formal motion or vote on doing that; Haire; yeah it's just a discussion; Jarvis: hearing no negative comments about it looks like the consensus is to do just that; thank you to whoever was serving on this; Lynch: Ms. Amos and Mr. Clark;

#### **G. Old/New Business**

Walker: I would like to once again thank Ms. Stiles for everything that she had done with the Blues and Ribfest; excellent job; well thought out; well planned; and well executed; and al the volunteers that you brought on as well; for all of you just go ahead and stand up if you will please so everyone knows who you are; we'd like to thank you; you did a really nice job; Stiles: I'm actually here to thank all of you; is this the proper time; Coolman: this is not the proper time (laughter);

#### **H. Adjournment @ 7:29 p.m.**

**A motion was made for adjournment by Bennett, seconded by Coolman. The motion carried with the following vote:**

**7 – Bennett, Coolman, Amos, Clark, Jarvis, Lynch, Walker**

# Canal Winchester

*Town Hall  
10 North High Street  
Canal Winchester, OH 43110*



## Meeting Minutes - DRAFT

August 20, 2018

7:00 PM

### City Council

*Bruce Jarvis – President  
Mike Walker – Vice President  
Jill Amos  
Will Bennett  
Bob Clark  
Mike Coolman  
Patrick Lynch*

- A. Call To Order *Jarvis called the meeting to order at 7:34 p.m.*
- B. Pledge of Allegiance - Bennett
- C. Roll Call *Present 7 – Amos, Bennett, Clark, Coolman, Jarvis, Lynch, Walker*
- D. Approval of Minutes

**MIN-18-035** 8-6-18 Council Work Session Minutes (**WS Minutes**)

**MIN-18-036** 8-6-18 Public Hearing Minutes (**PH Minutes**)

**MIN-18-037** 8-6-18 Council Meeting Minutes (**Council Minutes**)

*Coolman: What I would like to do is on the minutes 18-035, under the ordinance 18-028, it's talking about a motion was made by Amos, seconded by Amos; Jackson: Yes, that's been corrected; it will now read 'a motion was made by Amos, seconded by Bennett'; Coolman: Okay, thank you. Jarvis: I also have a minor change on the council meeting minutes, at the bottom of page 8; I was quoted as saying 'that nobody's fate was on trial', what I actually said was 'nobody's faith was on trial'; Amos: I think we have one more, we are checking; Bennett: Under ordinance 18-023, I'm currently marked as a yes; I was a no on the motion as proposed; Jarvis: That is my recollection as well; Walker: And mine.*

***A motion was made to approve the amended MIN-18-035 & MIN-18-036 by Coolman, seconded by Clark. The motion carried with the following vote:***

***Yes 6 – Coolman, Clark, Amos, Bennett, Jarvis, Walker  
Abstain 1 – Lynch***

***A motion was made to approve the amended MIN-18-037 by Coolman, seconded by Clark. The motion carried with the following vote:***

***Yes 7 – Coolman, Clark, Amos, Bennett, Jarvis, Lynch, Walker***

E. Communications & Petitions

**18-087** August 9, 2018 Letter from Violet Township Fire Department RE: Open House (**Letter**)

*Jarvis: Am I confusing this with the Madison Township fire department? Jackson: That is correct, you received an invitation via email today from the Madison Township fire department, for a ribbon cutting ceremony; that will take place on Saturday, August 25<sup>th</sup> at 10am; for those of you who have not received that, if you are planning to attend, please let me know by Friday, so that I can let Madison Township know; Jarvis: The location of that new firehouse is? Jackson: Noe-Bixby.*

F. Public Comments - Five Minute Limit Per Person

Karen Stiles: I'm here tonight simply to say thank you to the city for allowing us the use of the streets for our 9<sup>th</sup> Blues & Rib festival; I also want to thank all of you, because it's amazing as I sit down and look down the row, every single one of you – even Sergeant Cassel – played a role in the Blues & Ribfest; Mr. Walker, you were saying it was successful, and it was, but not due to me alone, or any one person alone – to every single person here, to the city of Canal Winchester, to the employees of Canal Winchester; it was a fantastic event, and it just keeps getting better and better; we greatly appreciate the support, thank you; Jarvis: Thank you, Ms. Stiles, we appreciate your work.

## G. RESOLUTIONS

### **RES-18-011**

Public Service

Sponsor: Jarvis

A Resolution In Support Of The Columbus And Franklin County Metro Parks Replacement Parks Levy (**Resolution**)

- Tabled

Jarvis: I forgot to pick up that we had tabled that, pending some additional information; Mr. Peoples, were you able to find that out? Peoples: I was not, I believe my contact there is on vacation; I'm sorry, it remains tabled until I can get that information; Jarvis: Okay, so that will stay on the table for now.

### **RES-18-012**

Mayor

A Resolution Strongly Urging The Ohio Governor And Members Of The Ohio General Assembly To Invest The State Budget Surplus In Municipalities (**Resolution**)

- Adoption

***A motion was made to adopt RES-18-012 by Bennett, seconded by Lynch. The motion carried with the following vote:***

***Yes 6 – Bennett, Lynch, Amos, Coolman, Jarvis, Walker***

***No 1 – Clark***

### **RES-18-013**

Development

A Resolution Approving The Recommendations Of The Tax Incentive Review Council For The Franklin County Tax Abatement Areas Within The City Of Canal Winchester (**Resolution, TIRC #1, TIRC #2, Gender Rd TIF**)

- Adoption

***A motion was made to adopt RES-18-013 by Clark, seconded by Coolman. The motion carried with the following vote:***

***Yes 7 – Clark, Coolman, Amos, Bennett, Jarvis, Lynch, Walker***

### **RES-18-014**

Development

A Resolution Approving The Recommendations Of The Tax Incentive Review Council For The Fairfield County Tax Abatement Areas Within The City Of Canal Winchester (**Resolution, TIRC #2, Diley Road TIF, Greengate TIF**)

- Adoption

***A motion was made to adopt RES-18-014 by Bennett, seconded by Walker.***

***The motion carried with the following vote:***

***Yes 7 – Bennett, Walker, Amos, Clark, Coolman, Jarvis, Lynch***

## H. ORDINANCES

*Tabled*

### **ORD-18-017**

*Development*

*Sponsor:*

An Ordinance to Create Chapter 188 in Part One of the Codified Ordinances Of Canal Winchester Enacting An Admissions Tax (**Ordinance, July 2018 Updated Draft**)

*- Tabled at Third Reading*

*Jarvis: During our last meeting 2 weeks ago, we discussed what was there that we were working off of the July 2<sup>nd</sup> baseline of the ordinance; there was some comments that were made last week – Mr. Hollins, I don't know whether those dated back to you, but they were captured pretty accurately in the minutes; I can refer you to those parts; Hollins: I did not understand there were further comments, I will review the minutes and incorporate anything with regard to those; Jarvis: I think that we're primarily in the area of clarification; I don't think it's harming anything right now for us to continue to look at that; Hollins: We want to make sure it's right, sure; Jarvis: There were some interesting comments that were made 2 weeks ago that might have some bearing on a change, they might now; Hollins: Absolutely, we'll make sure that we get it right.*

*Third Reading*

### **ORD-18-025**

*Development*

*Sponsor: Clark*

An Ordinance Amending Section 1161.04 Of The Codified Ordinances Regarding Old Town Commercial Zoning District (**Ordinance**)

*- Adoption*

***A motion was made to adopt ORD-18-025 by Clark, seconded by Coolman.  
The motion carried with the following vote:***

***Yes 7 – Clark, Coolman, Amos, Bennett, Jarvis, Lynch, Walker***

*Second Reading*

### **ORD-18-027**

*Development*

*Sponsor: Bennett*

An Ordinance Authorizing the Mayor and Clerk to Accept and Execute the Plat for the Villages at Westchester Section 12, Part 2, Phase III (**Ordinance**)

*- Second Reading Only*

### **ORD-18-029**

*Development*

*Sponsor: Jarvis*

An Ordinance To Amend Part 11 Of The Codified Ordinances And The Zoning Map Of The City Of Canal Winchester, Rezoning An Approximately 11.954 Acre Tract Of Land From Exceptional Use (EU) To Planned Residential District (PRD), Owned By The Dwight A. Imler Revocable Living Trust, Located On The Southeast Corner Of The Intersection Of Hayes



Road and Lithopolis Road And Consisting Of Parcel Number 184-002994, And To Adopt A Preliminary Development Plan And Development Text For A Proposed 79.5 Acre Planned Residential Development (Middletown Farms) (**Ordinance, Exhibit A, Exhibit B**)

- Second Reading Only

***A motion was made to table ORD-18-029 by Jarvis, seconded by Bennett. The motion carried with the following vote:***

***Yes 6 – Jarvis, Bennett, Amos, Clark, Coolman, Lynch***

***Abstain 1 – Walker***

*Jarvis: This is in accordance with the applicant and the fact that the plans for this development have undergone a fairly significant change; the applicant felt that it was in their best interest as well to refer this to Planning & Zoning so that it could be looked at by that body.*

*First Reading*

**ORD-18-030**

*Public Service*

An Ordinance To Set Water User Fees For Customers Outside The Special Water Allocation District (**Ordinance, Rate Proposal Exhibit**)

- First Reading Only

**ORD-18-031**

*Public Service*

An Ordinance To Set Sanitary Sewer Fees (**Ordinance**)

- First Reading Only

**I. Reports**

*Mayor's Report*

**18-093**

**Mayor's Report**

*Mayor: I have nothing in addition to my written report, I'll be glad to answer any questions you have.*

*Fairfield County Sheriff*

*Cassel: I have nothing additional to my previous report, sir; Clark: Did you ever find out if there was actually a ticket that Madison Township gave here on Waterloo? Jackson: I spoke with Chief York last week; he did indicate to me that it is possible for Madison Township to write tickets into Canal Winchester; I don't know if there was one specifically written in that instance; if there was one written, it was not written into our court at this time, it would've gone down to the county court.*

*Law Director*

*Hollins: Our streak was too good; I do need to request an executive session this evening; for purposes of litigation, as well as acquisition of real property; Coolman: Mr. Hollins, I just wanted to ask a favor and see if you can agree with this; the ordinance that has been tabled repeatedly, I'd like to see it come to an end – that's ordinance 18-017; do you feel very strongly that we can get that wording finalized for the next meeting? Hollins: It can be turned around to you very quickly, even this week; Bennett: Clearly when I spoke, that was on the outdated version; I don't know if there were any other comments, but I feel like most of those*

were driven – those have been corrected; Jarvis: Your comment was ‘I think Mr. Jarvis, the last reservation I have on this is when it comes to the free entertainment; I know local businesses use the free live entertainment to draw people in on slow nights; I guess what I’m trying to understand is – if I have free entertainment, will I have an additional tax on my menu items, because I’m serving food? It’s just a scenario that I think I need clarification on’; I went on to say ‘I would think not, but I’d rather not’; and then you said ‘I’ll forward that onto Mr. Hollins for some clarification’; what the scenario is is that you don’t have a cover, but you’ve added some kind of a surcharge to whatever you’re serving to move the cover; Bennett: I think that’s removed in the current version; I think that’s what the problem was – I was referring to the previous version, not the current proposed version, which was the July 2<sup>nd</sup> amendment; Hollins: We have started now the analysis – is it a place listed in the places? Then we go from there to see whether there’s an admission charge – it could be worked into something else; Bennett: I thought that that had been clarified in the current version; when I saw in the second version, I was confused again, and I didn’t; that’s when Ms. Jackson clarified that that was the current proposed version, not the amended version; Hollins: Right now, if you are a night club, and you had a cover charge, we’d probably ask you; it’s really not intended for bars and restaurants; Bennett: I think that’s been corrected, Mr. Jarvis; Jarvis: If there are any – as Mr. Coolman pointed out, we’ve been chewing on this for a while; there has to be some reason for it to be tabled, if we are waiting on information, that’s legit; if we have all of those lined up, then it’s just a matter of up or down, yes or no; Coolman: Correct; Hollins: Leave it on the table for 2 weeks, I will definitely look through the minutes, look through any questions; if anybody has any further clarifications, questions – shoot them to me by email; we’ll just make sure it’s already; Jarvis: The other point here that I’m picking up on is that there was a desire from council that it had been coordinated with local businesses, particularly BrewDog – since they were kind of going to be impacted by this right off the bat; Hollins: Luke has been in touch with them, and they’re fully in support; Jarvis: Unless we make major changes that sends it back to the drawing board, she’s on board; Hollins: I think they appreciated the opportunity for input, we’ve got their input incorporated; Coolman: The golf course it impacted, they’re aware of it, but they made no comment.

Finance Director

**18-092**

**Finance Director's Report**

Jackson: I do not have anything in addition to my written report this evening; Jarvis: Thank you for the explanation earlier on the water and sewer rate changes; my personal feelings were that they were reasonable; I like the fact that there are no changes for the next couple of years; there’s a good reason for it, but there’s also good reason to make those little adjustments going forward.

Public Service Director

**18-090**

**Public Service Director's Report**

Peoples: I have nothing to add to my written report.

Development Director

Haire: Couple of items to report on; BrewDog is having their annual general meeting, which is this Saturday; they have some pretty large bands with a national presence that will be attending that event; it’s likely that we are going to hear a number of noise complaints again from the neighbors, just based on past experience of when they had bands at their facility; I would anticipate that you will hear those from residents probably Sunday and Monday; the band is scheduled from – the event is scheduled from 11am-11pm, and I think there are 5 or 6 bands that are playing at that event; there will probably be close to 5,000 people attending; it will be a big draw, I know the hotel is sold out that evening, as well as some of the other hotels in the area; there will be a number of people attending from all over the United States, and internationally, it’s a big draw for

the community; the hotel walls will be opening on Monday to the public; it will be open during the weekend to a number of investors in BrewDog that will be staying there as the guinea pigs for the hotel; public will open on Monday; you can book your rooms at the 'DogHouse', as they're calling it, very soon; we did receive an application from Nifco that will be on the Planning & Zoning Commission meeting for the next meeting, for the new warehouse production facility on the property we sold them; it will be 175,000 square feet; the majority of that will include a warehouse structure, but it will also have some production space in there; we'll be hearing that at the September 10<sup>th</sup> meeting; that's all, unless there are any questions; Lynch: Mr. Haire, how many jobs do you think they'll be bringing inside that extra space? Haire: They currently lease warehouse space in Groveport; this will be a replacement for that space that they have, so it will be an expansion of their warehouse; they will be relocating some employees as a result of that, about 90; there will be a number of new jobs as the result of the production space as well; Lynch: Outstanding, thank you.

## J. Council Reports

Work Session/ Council - TUESDAY, September 4, 2018 at 6 p.m.

Public Hearing - TUESDAY, September 4, 2018 at 6:30 p.m.

- 42 Elizabeth St Variance Appeal

Work Session/Council - Monday, September 17, 2018 at 6 p.m.

Jarvis: Our next work session/council meetings are on Tuesday, September 4<sup>th</sup>; that's a Tuesday, in capital letters because of the holiday, at 6pm; we also have a public hearing on the same day at 6:30pm, regarding a Elizabeth Street variance appeal, regarding livestock; we have a work session and council meeting also on September 17<sup>th</sup>; we'll be back on Mondays, at 6pm.

CW Human Services - Mr. Lynch

Lynch: I met with Human Services last Wednesday, Mr. Bennett was also in attendance of that meeting; the Unity Week – they're trying to create the fund drive to collect \$55,000 to pay off the mortgage; they changed this and branded this to 'Community Week'; I think Mr. Bennett came up with this really nifty logo; that's going to be happening September 9<sup>th</sup>-16<sup>th</sup>, it sounds like a lot of local restaurants will be involved, as well as church groups; it's going to be a mass push that one week to try and raise as much money as possible; Jarvis: How close are they? Lynch: They have about 10-20,000 committed already from a couple of local churches that have pledged that much; Amos: If I understood correctly, the community – so this year, the community is the food pantry, to pay off what's left of their mortgage; in the future, if this is successful, this could be a reoccurring event, choosing charities each year that benefit Canal Winchester; Jarvis: I'm confused, isn't the organizer for this the Human Services organization? Amos: This year, yes; they're part of who is organizing it, yes; at this point in time, it is just Human Services; Lynch: It's branding an event week; Amos: It may branch off – right now, it's Human Services that is spearheading it; in the future, this may become a community-wide event; Lynch: The logo here, it's very well done; no different than the Blues & Ribfest, it's kind of the same thing; it could have multiple applications – not just for the pantry, but as Ms. Amos said, just about anything.

CWICC - Mr. Clark

Clark: We're meeting August 29<sup>th</sup>, 11:30 in the Interurban building.

CWJRD - Mr. Bennett/Mrs. Amos

Bennett: Our next executive board meeting will be Thursday, September 20<sup>th</sup> at 7pm, here at Town Hall; outside of that, there's really no current updates; Jarvis: What's coming up, activity-wise for Fall? Bennett:

*Fall soccer, football is just underway – I think preview week was this weekend for football; Amos: Cheerleading; Bennett: Cheerleading, yeah.*

*Destination: Canal Winchester - Mr. Walker*

*Walker: One more big thank you to Karen Stiles, and all that helped and volunteered; next meeting is at 6:30 on September 25<sup>th</sup>, Interurban.*

#### **K. Old/New Business**

*Lynch: I've got one thing, I'll be really quick about it; there's been a lot of noise here going on lately about the speeding issue; signs have been posted around the communities, people making their own signs and putting them out; it's no reflection on our police force, because we understand that you can't be everywhere at the same time; this topic keeps coming back over and over, and unless we create some kind of system to deal with it, like an SOP of sorts, it's going to keep reoccurring; my suggestion is to come up with a way that we can actually handle taking requests, evaluate those requests, do studies, come up with solutions, and do something to handle this issue; whether we have the money in the budget to do the solutions, whether we do minor solutions, major solutions – we grade each individual instance; there's the ITE Institute of Transportation Engineers, actually put together a guideline that can be followed to help municipalities in this attempt; I think it'd be very wise to do that; we could set this up very easily by a couple of council members, maybe Mr. Peoples – maybe someone who could represent the city, maybe get one or two people from the community involved in it, and come up with a set of procedures; Jarvis: I'm a little confused I guess, that the procedures how to solicit information – somebody's out there, they see Columbus Street; speeding is going on on Columbus Street, so they report that in to a hotline or something; that act becomes the information that you use – it's kind of 'whack-a-mole'; if you go after that, then it goes away, and you think everything is fine; Lynch: But it's not, and that's what we're doing is playing 'whack-a-mole'; basically what this is doing is creating a way to create a policy that can be adopted; it talks about how you received complaints, how you investigate the complaints, how you study grade – actually put a grading based on the traffic studies of that particular area; I'm sure we have the equipment to do so, or you know how to get the equipment to do traffic studies, we've done that in the past Mr. Peoples? Peoples: We have some equipment that takes readings of speed; Lynch: Perfect – how do we apply that, how do we grade it, and then how do we come up with recommendations to solve the problems? Obviously we would need the money to fund such projects, if we proceed with them; how do we educate the people that are actually going to do something; I would recommend bringing someone in from that particular area into that group, that way they can actually take the information back to their people, so they can educate them; study the results afterwards, and see if that worked, and then apply that to the next problem; it may happen once every 2-3 years, it may never happen at all; I think people will still be coming at us; Mayor: How do you know people are speeding? Lynch: I think it's usually – you sit outside or walk down the road, you can usually tell they're speeding without putting a radar gun or anything on them; it's just by the motion of the car; if we do a study; Mayor: We've done studies; Lynch: I understand, that information could be used from the past, as well as where that information is now; we start building more developments here and there, it's not going to get better, it's only going to get worse; Peoples: One person speeding is not a speeding problem; if you just catch one problem as they're going by, and you perceive that they're speeding, you're going to say 'this street has a speeding problem'; 90% of the speeding, going above the speed limit, I would call speeding; Peoples: 26mph – that's speeding; there's a lot of moving parts along with this; the mayor talked about it – some of the studies we've done – one of the biggest results of the study, before we put a bump out on Columbus Street or Trine Street; we had a traffic study from back then, we've done another one, right about this time; there was a market difference between the two; Lynch: Was that study done with the thing that flashes the speed limit? Peoples: It's the lines that*

cross the street; Jarvis: If I can interject here, I think what's maybe a good starting point – because, you are still relatively fresh to what has been done in the past; staff does have that, if you loop back with them just in a one-on-one discussion perhaps with Mr. Peoples, you will at least know what's been done to date; I think that will help you determine – Lynch: It sounds like, from what I just heard, a lot of the moving parts I was talking about are already in place; Peoples: We've done additional measures this year, if you've noticed on E. Waterloo Street, where we've put parking stalls in, and a stripe on the curve; from my perception, no study has been done on that – from perception, especially around that curve, the intent of that design is to narrow you down between that center line and the white stripes we put in there; Lynch: I noticed that couple of weeks ago, and you're right that does help; that's probably one of the most cost-effective ways to create traffic calming; Mayor: We could do the same thing on Columbus Street; we could stripes down through there, and put parking stalls in; Lynch: I think people would like that, too - even if it's stripes, with a bike lane or something to help slow people down; I've been getting just a lot of noise, a lot of feedback about this whole speeding thing; not just from where I'm – several other neighborhoods around town, too; Waterloo is really bad, east and west; Jarvis: I think we all have an interest in the topic; just to make sure you know where we've been – would you be willing to make an appointment with Mr. Peoples to go over what has been done to date? Lynch: Yeah, I'd love to; Jarvis: To figure out what the stuff ahead is; if there are cost implications, which there almost always are with whatever is recommended; we can discuss those in a group setting again – whether it's a Committee of the Whole, or part of a meeting; just knowing what has been done to date will kind of give you a new appreciation for why we are where we are; it's not a case of apathy, it's a case of a moving target, and lots of things that are outside of our control.

Amos: I just have one quick one – Mayor to follow up on something from months ago, and trivial; we've been mocked again on our clock sounds; I know you were going to talk to someone – you said there was only one person who can fix our clock? Mayor: Oh, the hammer? Amos: I didn't know if you had had a chance to check – Mayor: I'll check with Shawn; I know the company that originally repaired that in Minnesota, and the owner died; the kids are trying to run it, and I don't know if they're doing a great job; I'll check with Shawn; Jarvis: It is a shame, it's a landmark; Coolman: Personally, I think if they're going to mock us, it gives them a reason to come here, we're unique.

**L. Adjourn to Executive Session @ 8:15 p.m.**

**A motion was made to adjourn to executive session by Bennett, seconded by Amos. The motion carried with the following vote:**

**Yes 7 – Bennett, Amos, Clark, Coolman, Jarvis, Lynch, Walker**

**Council returned from Executive Session at 9:01 p.m.**

**M. Adjournment @ 9:02 p.m.**

**A motion was made to adjourn by Bennett, seconded by Amos. The motion carried with the following vote:**

**Yes 7 – Bennett, Amos, Clark, Coolman, Jarvis, Lynch, Walker**

NOTICE TO LEGISLATIVE  
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

14374150865		N		CHIPOTLE MEXICAN GRILL OF COLORADO LLC DBA CHIPOTLE 695 WEST WATERLOO ST & PATIO CANAL WINCHESTER OH 43110
PERMIT NUMBER		TYPE		
ISSUE DATE				
08 21 2018				
FILING DATE				
D1				
PERMIT CLASSES				
25	033	B	C04936	
TAX DISTRICT		RECEIPT NO.		

FROM 08/23/2018

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT		RECEIPT NO.		



MAILED 08/23/2018

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/24/2018

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL

WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**B N**

**1437415-0865**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF CANAL WINCHESTER CITY COUNCIL  
36 S HIGH ST  
CANAL WINCHESTER OHIO 43110



# Proclamation

**Whereas:** This year approximately 164,690 men will be diagnosed with prostate cancer in the United States alone every year – that's one man every 3.2 minutes and roughly 29,430 die this year from the disease – which is one man every 18 minutes; and

**Whereas,** in Ohio an estimated 5,810 new cases of prostate cancer will be diagnosed and an estimated 1,110 deaths will occur in 2018; and

**Whereas,** Men with relatives – father, brother, son – with a history of prostate cancer are twice as likely to develop the disease; and  
**Whereas,** Prostate cancer is most commonly diagnosed cancer in American Men and the third leading cause of cancer death behind lung and colon cancer; and

**Whereas,** 1 in 9 men are diagnosed with prostate cancer in his lifetime. 1 in 6 African American men will develop prostate cancer in his lifetime. Overall, African American men are 1.7 times more likely to be diagnosed with—and 2.3 times more likely to die from—prostate cancer than white men; and

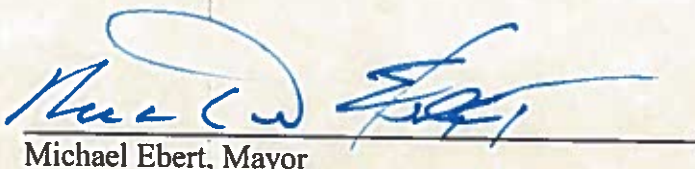
**Whereas,** Education regarding prostate cancer and early detection strategies is critical to saving lives, preserving, and protecting our families. The economic and social hardship it has on the families is huge; and

**Now Therefore,** I, Michael Ebert, Mayor of the City of Canal Winchester, Ohio do hereby designate the month of September 2018 as

## "Prostate Cancer Awareness Month"

In the City of Canal Winchester and I encourage all male citizens to be proactive about their prostate health.

**In Witness Whereof,** I have hereunto set my hand and caused the Seal of the City of Canal Winchester, Ohio to be affixed this 4th day of September, in the year of our Lord Thousand Eighteen.

  
Michael Ebert, Mayor





**Madison Township Fire Department**  
**Franklin County, Ohio**  
**4567 Firehouse Lane**  
**Groveport, Ohio 43125**

Sta. 181	Business Tel: (614) 837-7883	Fax: (614) 836-0716
Sta. 182	Business Tel: (614) 837-5149	Fax: (614) 837-5147
Sta. 183	Business Tel: (614) 828-8545	Fax: (614) 829-7424

**CANAL WINCHESTER**  
**AUGUST 2018**

Brew Dog	August 25	AGM	Fireworks & Special Duty Medic
Labor Day	FM Hite to assists with setup and inspection of food vendors. Line up instructions for parade.		
EMS Runs –	<b>82</b>	ALS	68 BLS 14
FIRE Runs -	<b>12 total</b>	* Due to holiday, stats for August 30-31 not included.	
Structure Fire	Jennings	Food on Stove	\$1,000 LOSS
Electrical Fire	Columbus St Gender Road	HVAC blower motor Door sensor short	\$200 LOSS \$1,500 LOSS
Auto Fire	High Street SR 33	After accident Nothing Found	\$12,000 LOSS
Gas Leak	Tallman Ct	Nothing Found	
Personal Assist	Winchester Blvd	Customer fell off chair	
Water Flow	West Walnut	Leak at Riser	
Fire Alarm	Columbus St Washington St Braeswick Ct Winchester Blvd	Nothing Found Steam Cleaning Detector Malfunction (2) System Malfunction	
Respectfully submitted, Jeff Fasone Fire Chief	Total Loss \$14,700		

**Our Mission: To deliver The Best Possible Service To Our Customers**



**RESOLUTION NO. 18-011**

**A RESOLUTION IN SUPPORT OF THE COLUMBUS AND FRANKLIN COUNTY  
METRO PARKS REPLACEMENT PARKS LEVY**

WHEREAS, Columbus and Franklin County Metro Parks ("Metro Parks") is a public agency serving the citizens of Central Ohio by providing a regional system of clean, safe, and natural area parks; and,

WHEREAS, Metro Parks features 20 outstanding natural area parks with more than 230 miles of trails and over 27,500 acres of land in seven Central Ohio counties; and,

WHEREAS, the mission of Metro Parks is to conserve open spaces, while providing places and opportunities that encourage people to discover and experience nature. Annually, about 11 million people enjoy quality outdoor time in the parks, and more than 180,000 people participate in free nature education programs; and,

WHEREAS, Franklin County voters will be asked to vote in November of this year for a levy to replace the park districts' existing 0.75 mill tax levy and an increase of that tax levy by an additional 0.20 mill to constitute a 0.95 mill tax levy for the purpose of developing, improving, maintaining, and operating the Metro Park district, Greenway trails, and other properties of the park district; acquiring, developing, improving, maintaining, and operating additional lands for park and trail purposes; and conserving and improving natural resources, wildlife habitat, streams and natural areas; and,

WHEREAS, the replacement levy would help residents of the central Ohio area maintain and enhance their current quality of life.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF CANAL WINCHESTER, STATE OF OHIO:

Section 1. That the City of Canal Winchester supports the Columbus and Franklin County Metro Parks' replacement levy, for vote on November 6, 2018.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

DATE APPROVED \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES  
AND CERTIFYING THEM TO THE COUNTY AUDITOR**

(CITY COUNCIL)  
OHIO REVISED CODE, SECTION 5705.34, 5705.35

The Council of the City of CANAL WINCHESTER, Franklin County

Ohio, met in \_\_\_\_\_ session on the \_\_\_\_\_ day of \_\_\_\_\_,  
(Regular or Special)

2018, at the office of \_\_\_\_\_ with the following members

present:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously  
adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2019; and

WHEREAS, The Budget Commission of Franklin County, Ohio, has certified its  
action thereon to this Council together with an estimate by the County Auditor of the rate of  
each tax necessary to be levied by this Council, and what part thereof is without, and what  
part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of CANAL WINCHESTER  
Franklin County, Ohio, that the amounts and rates, as determined by the Budget  
Commission in its certification, be and the same are hereby accepted: and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City  
the rate of each tax necessary to be levied within and without the ten mill limitation for tax year  
2018 (collection year 2019) as follows:

**SCHEDULE A**

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY APPROVED BY THE  
BUDGET COMMISSION, AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

<i>FUND</i>	<i>Amount to be Derived from Levies Outside 10 Mill Limitation</i>	<i>Amount Approved by Budget Commission Inside 10 Mill Limitation</i>	<i>County Auditor's Estimate of Full Tax Rate to Be Levied</i>	
			<i>Inside 10 Mill Limit</i>	<i>Outside 10 Mill Limit</i>
<i>General</i>		\$496,351.68	2.00	
<i>General Fund Charter</i>				
<i>Bond Retirement</i>				
<i>Bond Retirement Charter</i>				
<i>Police Pension</i>				
<i>Police Operating</i>				
<i>Fire Pension</i>				
<i>Fire Operating</i>				
<i>Police/Fire Pension</i>				
<i>Capital Improvement Charter</i>				
<i>Road &amp; Sidewalk Fund</i>				
<b>TOTAL</b>		<b>\$496,351.68</b>	<b>2.00</b>	

and be it further

RESOLVED, That the Clerk of this Council be and is hereby directed to certify a copy of  
this Resolution to the County Auditor of said County.

\_\_\_\_\_ seconded the Resolution and the roll being  
called upon its adoption the vote resulted as follows:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

\_\_\_\_\_  
CANAL WINCHESTER  
Franklin County, Ohio.

**CERTIFICATE OF COPY  
ORIGINAL ON FILE**

*The State of Ohio, Franklin County, ss.*

I, \_\_\_\_\_, Clerk of the Council of the City of

CANAL WINCHESTER within and for said County, and in whose

custody the Files and Records of said Council are required by the Laws of State of Ohio to be kept

do hereby certify that the foregoing is taken and copied from the original \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
now on file, that the foregoing has been compared by me with said original  
document, and that the same is a true and correct copy thereof.

WITNESS my signature, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Clerk of Council

CANAL WINCHESTER

Franklin County, Ohio.

# ORIGINALLY PRESENTED ORDINANCE

## ORDINANCE NO. 18-017

### AN ORDINANCE TO CREATE CHAPTER 188 IN PART ONE OF THE CODIFIED ORDINANCES OF CANAL WINCHESTER ENACTING AN ADMISSIONS TAX

WHEREAS, Ohio Revised Code 715.013 authorizes municipalities to enact a tax on admissions to any place;

WHEREAS, with the continued growth and development in the City of Canal Winchester, Council desires to enact an admissions tax for the purpose of raising additional revenue to help support said growth and development; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1. That Part 7 of the Codified Ordinances of the City of Canal Winchester, Ohio, which is a part thereof, be and hereby is amended to include Chapter 188, Admissions Tax as follows:

#### CHAPTER 188 Admissions Tax

188.01	Definitions.
188.02	Imposition and Rate of Tax.
188.03	Admissions Exempt from Tax.
188.04	Collection of Tax.
188.05	Certificate of Registration or Exemption.
188.06	Certificate of Registration in Case of Temporary or Transitory Amusement.
188.07	Rules and Regulations.
188.08	Appeals.
188.09	Information Confidential.
188.10	Interest on Unpaid Tax.
188.11	Taxes Made a Lien.
188.12	Severability.
188.13	Disbursement of Funds Collected.
188.99	Penalty.

---

#### 188.01 DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

(a) "Admission charge" means any charge for the right or privilege to enter any place; a charge made for season tickets or subscriptions, a minimum service charge, a cover charge or a charge made for use of seats and tables, reserved or otherwise, and similar accommodations, green fees, a charge made for food and refreshments in any place where any free entertainment, recreation or amusement is provided; a charge made for the rental of or use of equipment, facilities or other property for the purposes of recreation or amusement, or a combined charge where the rental equipment or facilities is necessary to the enjoyment of the privileges for which a general admission is charged; and a charge made for parking charges including where the charge is determined by the number of passengers in an automobile.

(b) "Person" means any individual, receiver, assignee, firm, co-partnership, joint venture, corporation, company, joint stock company, association, society or group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

(c) "Place" includes but is not restricted to, theaters, cinemas, dance halls, amphitheaters,

# ORIGINALLY PRESENTED ORDINANCE

auditoriums, stadiums, athletic pavilions and fields, golf courses, golf driving ranges, bowling alleys, ice-skating rinks, roller-skating rinks, night clubs, lecture halls, archery and shooting ranges, campgrounds, recreational vehicle parks, baseball and athletic parks, circuses, sideshows, flea markets, swimming pools, outdoor amusement parks and such attractions as merry-go-rounds, Ferris wheels, dodgems, skycoasters, race tracks, roller coasters, observation towers and all places where any form of diversion, recreation, sport or pastime is offered or provided, which are located in the City.

## **188.02 IMPOSITION AND RATE OF TAX.**

There is hereby levied and imposed upon every person who pays an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place to or for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations:

(a) A tax of three percent (3%) on the amount received as an admission charge to any place. The tax shall apply to every admission within the Municipality.

(b) A tax of three percent (3%) on excess of the amount received for tickets or cards of admission to theaters, operas and other places of amusement, sold at a location other than the ticket offices of such places, over and above the amounts representing the established admission charge therefor at such ticket offices, such tax to be returned and paid in the manner provided in Section 188.04 by the person selling the ticket.

(c) A tax of three percent (3%) on the admission charge to any public performance for profit.

(d) A tax of three percent (3%) on the admission charge received as annual membership dues by every club or organization maintaining a place as defined by Section 188.01(b).

(e) A tax of three percent (3%) on the amount received, exclusive of federal, State and local admission taxes, for or on account of the use of any place for a public performance, the admission charge to which performance is exempt from tax under Section 188.03, such tax to be applicable regardless of whether such receipts are designated by the owner, operator or lessee of such place as rentals of property, charges for talent or services or otherwise.

## **188.03 ADMISSIONS EXEMPT FROM TAX.**

No tax shall be levied under this chapter with respect to any admission charge, all the net proceeds of which inure:

(a) Exclusively to the benefit of religious, educational or charitable institutions, societies or organizations, if no part of the net earnings thereof inure to the benefit of any private stockholder or individual.

(b) Exclusively to the benefit of persons in the military or naval forces of the United States, or of National Guard organizations, reserve officer associations or posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations if such posts, organizations, units or societies are organized in the State of Ohio, and if no part of their net earnings inure to the benefit of any private stockholder or individual.

(c) Exclusively to the benefit of persons who serve in the military or naval forces of the United States and are in need.

(d) Exclusively to the benefit of members of any department of any municipal corporation, or the dependents or heirs of such members.

(e) Exclusively to the benefit of the general revenue fund of any municipal corporation or exclusively to the benefit of any fund of any municipal corporation or under the control of a recreation commission.

# ORIGINALLY PRESENTED ORDINANCE

(f) Immediately after the event for which an exemption from admission tax has been allowed, the treasurer of the institution, society or organization for whose benefit such event was held shall file an itemized statement with the Finance Director setting forth the amount of money actually received by such treasurer together with the expenses of promoting and conducting such event. Such statement shall be used as a basis of subsequent requests for exemption from admissions tax for the benefit of such institution, society or organization and if such statement shows a disproportionate expenditure for promoting and conducting such event in relation to the profits, if any, no such exemption shall thereafter be allowed to such institution, society or organization.

(g) The exemption from tax provided in this section shall not be allowed to any institution, society or organization which does not control the sale of admissions to the event for which the exemption is requested, nor shall any exemption be allowed where talent, service or other items are compensated for on a percentage basis if such percentage results in a payment of excess of the flat rate ordinarily charged for the same talent, services or other items.

## **188.04 COLLECTION OF TAX.**

(a) Every person receiving any payment on which a tax is levied under this chapter shall collect the amount of the tax imposed from the person making the admission payment. The tax required to be collected under this chapter shall be deemed to be held in trust by the person required to collect the same until paid to the Finance Director as herein provided. Any person required to collect the tax imposed under this chapter who fails to collect the same, or having collected the same, fails to remit the same to the Finance Director in the manner prescribed by this chapter, whether such failure be the result of acts or conditions beyond his control, shall nevertheless be personally liable to the Municipality for the amount of such tax, and shall, unless the remittance be made as herein required, be guilty of a violation of this chapter.

(b) The tax imposed hereunder shall be collected at the time the admission charge is paid by the person seeking admission to any place and shall be reported and remitted by the person receiving the tax to the Director in monthly installments and remittances therefor on or before the thirtieth day of the month succeeding the end of the monthly period in which the tax is collected or received. Payment or remittance of the tax collected may be made by check, unless payment or remittance is otherwise required by the Director, but payment by check shall not relieve the person collecting the tax from liability for payment and remittance of the tax to the Director unless the check is honored and is in the full and correct amount.

(c) The person receiving any payment for admissions shall make out a return upon such forms and setting forth such information as the Director may require, showing the amount of the tax upon admissions for which he is liable for the preceding monthly period, and shall sign and transmit the same to the Director with a remittance for such amount; provided, that the Director may in his discretion require verified annual returns from any person receiving admission payments setting forth such additional information as he may deem necessary to determine correctly the amount of tax collected and payable.

(d) Whenever any theater, circus, show, exhibition, entertainment or amusement makes an admission charge which is subject to the tax herein levied, and the same is of a temporary or transitory nature, of which the Director shall be the judge, the Director may require the report and remittance of the admission tax immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series of performances or exhibitions or at such other times as the Director shall determine. It shall be the responsibility of the owner, lessee, or custodian of the place where the event or group or series of events is held to report and remit the tax levied and imposed by this chapter to the Finance Director unless a certificate of registration, as provided for in the next succeeding section of this chapter, has been issued to the person conducting the event or group or series of events. The Finance Director, however, may require the person conducting the event or group or series of events to furnish a bond to insure that each person makes the report and remittance. Failure to comply with any requirement of the Director as to report and remittance of the tax as required shall be a violation of this chapter.

# ORIGINALLY PRESENTED ORDINANCE

(e) The books, records and accounts of any person collecting a tax herein levied shall, as to the admission charges and tax collections, be at all reasonable times subject to examination and audit by the Director. The audit is to be made by the Finance Director or by accountants employed by the City and at its own expense. If required by the Finance Director, a complete audit of a person's gross admission receipts shall be provided at the end of each person's fiscal year by an accountant approved by the Finance Director and at the expense of the City. Notwithstanding the foregoing if, as a result of the audit, the Finance Director determines that there shall be an unpaid tax liability for a person equal to or greater than one thousand dollars (\$1,000.00) per monthly period audited, the Finance Director may require such person to pay the expenses of the audit. If the tax imposed by this chapter is not paid when due there shall be added, as part of the tax, interest at the rate of one percent per month from the time when the tax became due until paid. For good cause shown, the Finance Director may waive the penalty.

## **188.05 CERTIFICATE OF REGISTRATION OR EXEMPTION.**

(a) Certificate of Registration. Any person conducting or operating any place for entrance to which an admission charge is made shall, on the form prescribed by the Finance Director, make application to and procure from the Director a Certificate of Registration, the fee for which shall be twenty dollars (\$20), which Certificate shall continue valid until December 31 of the year in which the same is issued by the Director without additional charge, shall be posted in a conspicuous place in each ticket or box office where tickets of admission are sold.

(b) Certificate of Exemption. Any person conducting or operating any place for which an admission charge is made and who claims an exemption or exclusion under Section 188.03 shall make application to and procure from the Finance Director a certificate of exemption for which there will be no charge and which certificate shall remain valid until the termination of the event or series of events, to which the exemption applies.

## **188.06 CERTIFICATE OF REGISTRATION IN CASE OF TEMPORARY OR TRANSISTORY AMUSEMENT.**

Whenever a Certificate of Registration is obtained for the purpose of operating or conducting a temporary or transitory amusement, entertainment or exhibition by persons who are not the owners, lessees or custodians of the building, lots or place where the amusement is to be conducted, the tax imposed by this chapter shall be reported and remitted as provided in Section 188.04 hereof by such owner, lessee or custodian, unless paid by the person conducting the amusement, entertainment or exhibition. The applicant for a Certificate of Registration for such purpose shall furnish with the application therefor the name and address of the owner, lessee or custodian of the premises upon which the amusement is to be conducted, and such owner, lessee or custodian shall be notified by the Director of Finance of the issuance of such certificate and the joint liability for collection and remittance of such tax.

## **188.07 RULES AND REGULATIONS.**

The Mayor or Finance Director shall have power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations shall be published as ordinance of the Municipality are published before they become effective, and copies shall be made available in the office of the Finance Director. Failure or refusal to comply with any such rules and regulations shall be deemed a violation of this chapter.

## **188.08 APPEALS.**

Appeals from any ruling of any official hereunder shall be made to Council within ten days after such ruling has been made, and Council shall have the authority to annul, modify or affirm any such ruling appealed from, in conformity with the intent and purpose of this chapter.

## **188.09 INFORMATION CONFIDENTIAL.**



# ORIGINALLY PRESENTED ORDINANCE

All returns and information relating to the business of any person required to collect the tax imposed by this chapter and coming into the possession of the Finance Director, his/her agents and employees of the Municipality, shall be held confidential. No disclosures thereof shall be made unless ordered by a court of competent jurisdiction excepting, however, that the Director may furnish the Bureau of Internal Revenue, Treasury Department, of the United States, or the Department of Taxation of the State of Ohio with copies of returns filed.

## **188.10 INTEREST ON UNPAID TAX.**

In addition to the interest as provided in Section 188.04, a penalty of ten percent per year or fraction thereof shall be imposed on any tax not paid when due. For good cause shown, the Finance Director may waive the penalty.

## **188.11 TAXES MADE A LIEN.**

(a) The taxes and other charges imposed by this chapter shall be a lien upon all the property of any person required to collect and pay or to pay the same. If such person shall sell out or quit business, such person shall be required to make out the return provided for in this chapter within thirty (30) days after the date of sale of such business or retirement therefrom, and the successor in business shall be required to withhold a sufficient amount of purchase money to cover the amount of said taxes and other charges collected and unpaid, together with penalties, if any, until such time as the former owner shall produce receipt from the Treasurer showing that the taxes and any other charges have been paid, or a certificate that no taxes are due.

(b) If the purchaser of a business shall fail to withhold purchase money as above provided, and the taxes and other charges so collected shall be due and unpaid after the thirty-day period allowed, the purchaser shall be liable for the payment of the taxes and other charges collected and unpaid on account of the operation of the business by the former owner, together with interest, as provided by this chapter.

(c) The lien for unpaid taxes and other charges imposed herein shall not become effective until such time as the Finance Director certifies to the County Auditor of Franklin or Fairfield County the amount of taxes delinquent, and such certification is placed on record by the County Recorder of said county in a book maintained for that purpose.

## **188.12 SEVERABILITY.**

If any sentence, clause, section or part of this chapter or any tax imposed as specified herein is found to be unconstitutional, illegal or invalid, such constitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this chapter, and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of Council that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

## **188.13 DISBURSEMENT OF FUNDS COLLECTED.**

The funds collected under the provision of this Chapter shall be distributed in the following manner:

(a) First, such part thereof as shall be necessary to defray all expenses of collecting the tax and of administrating and enforcing the provisions of the Chapter shall be paid.

(b) The balance remaining after payment of the expenses referred to in subsection (a) hereof shall be deposited in the General Fund.

## **188.99 PENALTY.**

# ORIGINALLY PRESENTED ORDINANCE

(a) Whoever, being a person charged by the provisions of this chapter with the duty of collecting or paying the taxes imposed by this chapter, willfully fails or refuses to charge and collect or to pay such taxes, or to make return to the Director of Finance as required by this chapter, or to permit the Director or his duly authorized agent to examine his books and other records, in or upon any premises where the same are kept to the extent necessary to verify any return made or to ascertain and assess the tax imposed by this chapter if no return was made, or to maintain and keep his books and other records for three years or such lesser or greater time as may be permitted or required by the Director, is guilty of a minor misdemeanor for a first offense and for a second or other subsequent offense is guilty of a misdemeanor of the first degree.

(b) Whoever violates Section 188.09 is guilty of a misdemeanor of the first degree for each such violation and shall thereafter be disqualified from acting in any official capacity whatsoever in connection with the assessment or collection of taxes under this chapter.

SECTION 2. That all other provisions of Part 1 of the Codified Ordinances shall remain in full force and effect.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

DATE APPROVED: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen (15) days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council

**ORDINANCE NO. 18-017**

**AN ORDINANCE TO CREATE CHAPTER 188 IN PART ONE OF THE  
CODIFIED ORDINANCES OF CANAL WINCHESTER ENACTING AN ADMISSIONS TAX**

WHEREAS, Ohio Revised Code 715.013 authorizes municipalities to enact a tax on admissions to any place;

WHEREAS, with the continued growth and development in the City of Canal Winchester, Council desires to enact an admissions tax for the purpose of raising additional revenue to help support said growth and development; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1. That Part 7 of the Codified Ordinances of the City of Canal Winchester, Ohio, which is a part thereof, be and hereby is amended to include Chapter 188, Admissions Tax as follows:

**CHAPTER 188  
Admissions Tax**

188.01	Definitions.
188.02	Imposition and Rate of Tax.
188.03	Admissions Exempt from Tax.
188.04	Collection of Tax.
188.05	Certificate of Registration or Exemption.
188.06	Certificate of Registration in Case of Temporary or Transitory Amusement.
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188.10	Interest on Unpaid Tax.
188.11	Taxes Made a Lien.
188.12	Severability.
188.13	Disbursement of Funds Collected.
188.99	Penalty.

---

**188.01 DEFINITIONS.**

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

(a) "Admission Charge" means any charge for the right or privilege to enter a "Place" as defined herein, including a charge made for season tickets or subscriptions, a charge for parking to the extent that it is also a charge for the right to enter a "Place," a minimum service charge, a cover charge or a charge made for use of seats and tables, reserved or otherwise, and similar accommodations (but excluding charges for prepaid food and/or beverage along with a reservation).

(b) "Person" means any individual, receiver, assignee, firm, co-partnership, joint venture, corporation, company, joint stock company, association, society or group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

(c) "Place" shall mean:

# July 2, 2018 UPDATED DRAFT

1. theaters,
2. cinemas,
3. amphitheatres,
4. auditoriums,
5. golf courses (the actual greens fee paid directly or indirectly by the individual golfer shall be construed to be the "Admission Charge"),
6. bowling alleys,
7. ice-skating rinks,
8. roller-skating rinks,
9. night clubs,
10. circuses,
11. sideshows,
12. outdoor amusement parks,
13. such attractions as merry-go-rounds, Ferris wheels, dodgems, skycoasters, race tracks, roller coasters, observation towers and similar amusement rides,
14. oOutdoor (open air or enclosed) event venues where a restricted area is designated as the event grounds and a charge is made for admission to the event grounds, and
15. eEstablishments where a charge is made for a tour of the attraction or facility.

## 188.02 IMPOSITION AND RATE OF TAX.

There is hereby levied and imposed upon every person who pays an Admission Charge to any Place, including a tax on persons who are admitted free of charge or at reduced rates to any Place to or for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations:

(a) A tax of three percent (3%) on the amount received as an Admission Charge to any Place. The tax shall apply to every admission within the Municipality.

(b) A tax of three percent (3%) on excess charges received for tickets or other rights to admission to a Place, sold at a location other than the ticket offices of such Places, over and above the amounts representing the established admission charge therefor at such ticket offices, such tax to be returned and paid in the manner provided in Section 188.04 by the person selling the ticket.

## 188.03 ADMISSIONS EXEMPT FROM TAX.

(a) No tax shall be levied under this chapter with respect to any Admission Charge, all the net proceeds of which inure:

(1) Exclusively to the benefit of religious, educational, charitable, or governmental institutions, societies or organizations, if no part of the net earnings thereof inure to the benefit of any private stockholder or individual.

(2) Exclusively to the benefit of persons in the military or naval forces of the United States, or of National Guard organizations, reserve officer associations or posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations if such posts, organizations, units or societies are organized in the State of Ohio, and if no part of their net earnings inure to the benefit of any private stockholder or individual.

(3) Exclusively to the benefit of persons who serve in the military or naval forces of the United States and are in need.

(b) Immediately after the event for which an exemption from admission tax has been allowed, the treasurer of the institution, society or organization for whose benefit such event was held shall file an itemized statement with the Finance Director setting forth "Net Proceeds" shall mean the amount of money

actually received by such institution, society or organization from Admissions Charges for admission to the event; provided, however, the Finance Director shall be authorized to require the filing of an itemized statement by the treasurer, and if such statement shows a disproportionate expenditure for promoting and conducting such event in relation to the profits, if any, no such exemption shall thereafter be allowed to such institution, society or organization.

(c) The exemption from tax provided in this section shall not be allowed to any institution, society or organization which does not control the sale of admissions to the event for which the exemption is requested.

#### **188.04 COLLECTION OF TAX.**

(a) Every person receiving any payment on which a tax is levied under this chapter shall collect the amount of the tax imposed from the person paying the Admission Charge. The tax required to be collected under this chapter shall be deemed to be held in trust by the person required to collect the same until paid to the Finance Director as herein provided. Any person required to collect the tax imposed under this chapter who fails to collect the same, or having collected the same, fails to remit the same to the Finance Director in the manner prescribed by this chapter, whether such failure be the result of acts or conditions beyond his control, shall nevertheless be personally liable to the Municipality for the amount of such tax, and shall, unless the remittance be made as herein required, be guilty of a violation of this chapter.

(b) The tax imposed hereunder shall be collected at the time the Admission Charge is paid by the person seeking admission to any Place and shall be reported and remitted by the person receiving the tax to the Director in monthly installments (or quarterly installments in the discretion of the Director) and remittances therefor on or before the thirtieth day of the month succeeding the end of the ~~monthly~~ period in which the tax is collected or received. Payment or remittance of the tax collected may be made by check, unless payment or remittance is otherwise required by the Director, but payment by check shall not relieve the person collecting the tax from liability for payment and remittance of the tax to the Director unless the check is honored and is in the full and correct amount.

(c) The person receiving any Admissions Charge shall make out a return upon such forms and setting forth such information as the Director may require, showing the amount of the tax upon admissions for which he is liable for the preceding ~~monthly~~ period, and shall sign and transmit the same to the Director with a remittance for such amount; provided, that the Director may in his or her discretion require verified annual returns from any person receiving Admission Charges setting forth such additional information as he or she may deem necessary to determine correctly the amount of tax collected and payable.

(d) Whenever any theater, circus, show, exhibition, entertainment or amusement makes an Admission Charge which is subject to the tax herein levied, and the same is of a temporary or transitory nature, of which the Director shall be the judge, the Director may require the report and remittance of the admission tax immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series of performances or exhibitions or at such other times as the Director shall determine. It shall be the responsibility of the owner, lessee, or custodian of the place where the event or group or series of events is held to report and remit the tax levied and imposed by this chapter to the Finance Director unless a certificate of registration, as provided for in the next succeeding section of this chapter, has been issued to the person conducting the event or group or series of events. The Finance Director, however, may require the person conducting the event or group or series of events to furnish a bond to ensure that each person makes the report and remittance. Failure to comply with any requirement of the Director as to report and remittance of the tax as required shall be a violation of this chapter.

(e) The books, records and accounts of any person collecting a tax herein levied shall, as to the Admission Charges and tax collections, be at all reasonable times subject to examination and audit by the Director. The audit is to be made by the Finance Director or by accountants employed by the City and at its own expense. If required by the Finance Director, a complete audit of a person's gross admission receipts shall be provided at the end of each person's fiscal year by an accountant approved by the Finance Director and at the expense of the City. Notwithstanding the foregoing if, as a result of the audit, the Finance Director determines that there shall be an unpaid tax liability for a person equal to or greater than one thousand dollars (\$1,000.00) per monthly period audited, the Finance Director may require such person to pay the expenses of the audit. If the tax imposed by this chapter is not paid when due there shall be added, as part of the tax, interest at the rate of one percent per month from the time when the tax became due until paid. For good cause shown, the Finance Director may waive the penalty.

#### **188.05 CERTIFICATE OF REGISTRATION OR EXEMPTION.**

(a) Certificate of Registration. Any person conducting or operating any Place for which an Admission Charge is made for entrance thereto shall, on the form prescribed by the Finance Director, make application to and procure from the Director a Certificate of Registration, the fee for which shall be twenty dollars (\$20), which Certificate shall continue valid until December 31 of the year in which the same is issued by the Director without additional charge, shall be posted in a conspicuous place in each ticket or box office where tickets of admission are sold.

(b) Certificate of Exemption. Any person conducting or operating any place for which an admission charge is made and who claims an exemption or exclusion under Section 188.03 shall, upon request of the Finance Director, make application to and procure from the Finance Director a certificate of exemption for which there will be no charge and which certificate shall remain valid until the termination of the event or series of events, to which the exemption applies.

#### **188.06 CERTIFICATE OF REGISTRATION IN CASE OF TEMPORARY OR TRANSISTORY AMUSEMENT.**

Whenever a Certificate of Registration is obtained for the purpose of operating or conducting a temporary or transitory amusement, entertainment or exhibition by persons who are not the owners, lessees or custodians of the building, lots or place where the amusement is to be conducted, the tax imposed by this chapter shall be reported and remitted as provided in Section 188.04 hereof by such owner, lessee or custodian, unless paid by the person conducting the amusement, entertainment or exhibition. The applicant for a Certificate of Registration for such purpose shall furnish with the application therefor the name and address of the owner, lessee or custodian of the premises upon which the amusement is to be conducted, and such owner, lessee or custodian shall be notified by the Director of Finance of the issuance of such certificate and the joint liability for collection and remittance of such tax.

#### **188.07 RULES AND REGULATIONS.**

The Mayor or Finance Director shall have power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations shall be published as ordinance of the Municipality are published before they become effective, and copies shall be made available in the office of the Finance Director. Failure or refusal to comply with any such rules and regulations shall be deemed a violation of this chapter.

#### **188.08 APPEALS.**

Appeals from any ruling of any official hereunder shall be made to Council within ten days after such ruling has been made, and Council shall have the authority to annul, modify or affirm any such ruling appealed from, in conformity with the intent and purpose of this chapter.

#### **188.09 INFORMATION CONFIDENTIAL.**

All returns and information relating to the business of any person required to collect the tax imposed by this chapter and coming into the possession of the Finance Director, his/her agents and employees of the Municipality, shall be held confidential. No disclosures thereof shall be made unless ordered by a court of competent jurisdiction excepting, however, that the Director may furnish the Bureau of Internal Revenue, Treasury Department, of the United States, or the Department of Taxation of the State of Ohio with copies of returns filed.

#### **188.10 INTEREST ON UNPAID TAX.**

In addition to the interest as provided in Section 188.04, a penalty of ten percent per year or fraction thereof shall be imposed on any tax not paid when due. For good cause shown, the Finance Director may waive the penalty.

#### **188.11 TAXES MADE A LIEN.**

(a) The taxes and other charges imposed by this chapter shall be a lien upon all the property of any person required to collect and pay or to pay the same. If such person shall sell out or quit business, such person shall be required to make out the return provided for in this chapter within thirty (30) days after the date of sale of such business or retirement therefrom, and the successor in business shall be required to withhold a sufficient amount of purchase money to cover the amount of said taxes and other charges collected and unpaid, together with penalties, if any, until such time as the former owner shall produce receipt from the Treasurer showing that the taxes and any other charges have been paid, or a certificate that no taxes are due.

(b) If the purchaser of a business shall fail to withhold purchase money as above provided, and the taxes and other charges so collected shall be due and unpaid after the thirty-day period allowed, the purchaser shall be liable for the payment of the taxes and other charges collected and unpaid on account of the operation of the business by the former owner, together with interest, as provided by this chapter.

(c) The lien for unpaid taxes and other charges imposed herein shall not become effective until such time as the Finance Director certifies to the County Auditor of Franklin or Fairfield County the amount of taxes delinquent, and such certification is placed on record by the County Recorder of said county in a book maintained for that purpose.

#### **188.12 SEVERABILITY.**

If any sentence, clause, section or part of this chapter or any tax imposed as specified herein is found to be unconstitutional, illegal or invalid, such constitutionality, illegality or invalidity shall affect only such clause, sentence, section or part of this chapter, and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of Council that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.

#### **188.13 DISBURSEMENT OF FUNDS COLLECTED.**

The funds collected under the provision of this Chapter shall be distributed in the following manner:

(a) First, such part thereof as shall be necessary to defray all expenses of collecting the tax and of administering and enforcing the provisions of the Chapter shall be paid.

(b) The balance remaining after payment of the expenses referred to in subsection (a) hereof shall be deposited in the General Fund. Funds shall be dedicated first to capital outlay expenditures related to streets or parks. If no such projects exist or such projects are able to be funded with another revenue source, Council may appropriate the funds to another project they deem fit during the budgetary process.



# July 2, 2018 UPDATED DRAFT

## 188.99 PENALTY.

(a) Whoever, being a person charged by the provisions of this chapter with the duty of collecting or paying the taxes imposed by this chapter, willfully fails or refuses to charge and collect or to pay such taxes, or to make return to the Director of Finance as required by this chapter, or to permit the Director or his duly authorized agent to examine his books and other records, in or upon any premises where the same are kept to the extent necessary to verify any return made or to ascertain and assess the tax imposed by this chapter if no return was made, or to maintain and keep his books and other records for three years or such lesser or greater time as may be permitted or required by the Director, is guilty of a minor misdemeanor for a first offense and for a second or other subsequent offense is guilty of a misdemeanor of the first degree.

(b) Whoever violates Section 188.09 is guilty of a misdemeanor of the first degree for each such violation and shall thereafter be disqualified from acting in any official capacity whatsoever in connection with the assessment or collection of taxes under this chapter.

SECTION 2. That all other provisions of Part 1 of the Codified Ordinances shall remain in full force and effect.

SECTION 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

DATE APPROVED: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen (15) days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council



**ORDINANCE NO. 18-029**

**AN ORDINANCE TO AMEND PART 11 OF THE CODIFIED ORDINANCES AND THE ZONING MAP OF THE CITY OF CANAL WINCHESTER, REZONING AN APPROXIMATELY 11.954 ACRE TRACT OF LAND FROM EXCEPTIONAL USE (EU) TO PLANNED RESIDENTIAL DISTRICT (PRD), OWNED BY THE DWIGHT A. IMLER REVOCABLE LIVING TRUST, LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF HAYES ROAD AND LITHOPOLIS ROAD AND CONSISTING OF PARCEL NUMBER PID 184-002994, AND TO ADOPT A PRELIMINARY DEVELOPMENT PLAN AND DEVELOPMENT TEXT FOR A PROPOSED 79.5 ACRE PLANNED RESIDENTIAL DEVELOPMENT (MIDDLETOWN FARMS)**

WHEREAS, the rezoning of a 11.954 acre tract of land hereinafter described from Exceptional Use (EU) to Planned Residential District (PRD) has been proposed to the Council of the City of Canal Winchester by the owner, the Dwight A. Imler Revocable Living Trust ("Imler Trust"); and

WHEREAS, such 11.954 acre tract is contiguous to an approximately 67.55 acre tract of land also owned by the Imler Trust and currently zoned Planned Residential District ("PRD"); and

WHEREAS, an accompanying Planned Residential District preliminary development plan and development text has been submitted for the combined 79.5 acre tract for approval; and

WHEREAS, a public hearing has been held by the Planning and Zoning Commission of the City of Canal Winchester, and the Planning and Zoning Commission has recommended that the rezoning, the preliminary plan, and the development text not be approved by City Council; and

WHEREAS, notice of a public hearing has been duly advertised and the public hearing has been held before the Council of the City of Canal Winchester;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, OHIO:

Section 1. That Part 11 of the Codified Ordinances and the Zoning Map of the City of Canal Winchester, Ohio, which is a part thereof, be and hereby is amended as follows:

That approximately 11.954 acres, located at the southeast corner of the intersection of Hayes Road and Lithopolis Road and being a part of PID 184-002994, owned by The Dwight A. Imler Revocable Living Trust, as fully set forth in the description attached hereto as Exhibit A and incorporated herein by reference, is rezoned from Exceptional Use (EU) to Planned Residential District (PRD).

Section 2. That the preliminary development plan and development text of the proposed Middletown Farms as depicted in Exhibit B, attached hereto and made a part of hereof, be and hereby is accepted and approved.

Section 3. That all other provisions of Part 11 of the Codified Ordinances and accompanying zoning map shall remain in full force and effect.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

DATE APPROVED: \_\_\_\_\_

\_\_\_\_\_  
LEGAL COUNCIL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council

**11.954 ACRES**

Situated in the State of Ohio, County of Franklin, City of Canal Winchester, in Section 1, Township 10, Range 21, Congress Lands, being part of that 70.797 acre tract of land conveyed to The Dwight A. Imler Revocable Living Trust by deed of record in Instrument Number 201607050085266, (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at the centerline intersection of Hayes Road and Lithopolis Road;

Thence South 53° 02' 57" East, with the centerline of said Lithopolis Road, a distance of 406.78 feet to the northwesterly corner of that 8.000 acre tract conveyed to Roger E. Sisler II by deed of record in Instrument Number 201604150045988;

Thence South 36° 43' 38" West, with the westerly line of said 8.000 acre tract, a distance of 721.31 feet to a point;

Thence North 53° 02' 48" West, crossing said 70.797 acre tract, a distance of 666.89 feet to a point in the easterly line of that 5.001 acre tract conveyed as Parcel III to The Dwight A. Imler Revocable Living Trust by deed of record in Instrument Number 201607050085266;

Thence North 00° 27' 50" East, with said easterly line, a distance of 419.95 feet to a point in the centerline of said Hayes Road;

Thence North 89° 50' 16" East, with said centerline, a distance of 635.80 feet to the POINT OF BEGINNING, containing 11.954 acres of land, more or less;

This description is to be used for zoning purposes only, not for transfer.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



Evans, Mechwart, Hambleton & Tilton, Inc.  
Engineers • Surveyors • Planners • Scientists  
5500 New Albany Road, Columbus, OH 43054  
Phone: 614.775.4500 Toll Free: 888.775.3648  
emht.com

# ZONING EXHIBIT

## SECTION 1, TOWNSHIP 10, RANGE 21

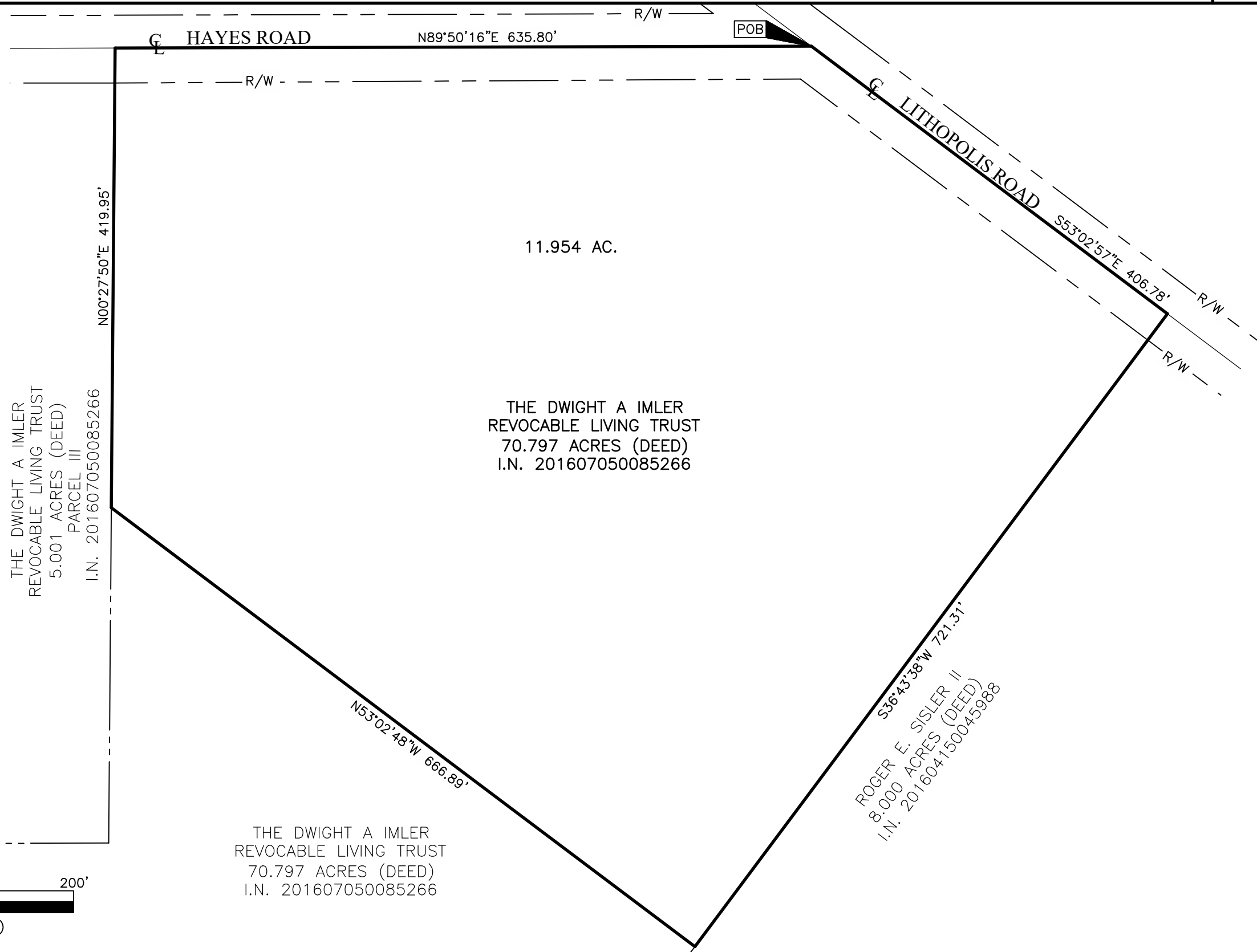
### CONGRESS LANDS

CITY OF CANAL WINCHESTER, COUNTY OF FRANKLIN, STATE OF OHIO

Date: November 16, 2017

Scale: 1" = 100'

Job No: 2017-1159



J:\20171159\DWG\04SHEETS\EXHIBITS\20171159-VS-ZONE-01.DWG plotted by KIRK, MATTHEW on 11/17/2017 10:13:21 AM last saved by MKRK on 11/17/2017 10:13:04 AM  
Xrefs:

# Middletown Farms

## Preliminary Development Plan

Hayes and Oregon Roads

Canal Winchester, Ohio

January 22, 2018

Revised: April 23, 2018

Due to the size of this exhibit, only page one has been included in this packet. To view the entire exhibit, please click [here](#).



ORD-18-026

**AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK TO ACCEPT AND EXECUTE THE PLAT  
FOR THE VILLAGES AT WESTCHESTER SECTION 12, PART 2, PHASE III**

WHEREAS, pursuant to Section 1117.04 (f) is provided that Council shall be presented final plats for final approval of subdivisions; and

WHEREAS, a final plat for the Villages at Westchester Section 12, Part 2, Phase III has been presented to the Planning Commission with a recommendation to City Council for approval;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1. That the Mayor and Clerk be and hereby are authorized to execute and accept the final plat of the Villages at Westchester Section 12, Part 2, Phase III.

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

DATE APPROVED: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNCIL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council

**ORDINANCE NO. 18-030**

**AN ORDINANCE TO SET WATER USER FEES FOR CUSTOMERS OUTSIDE THE  
SPECIAL WATER ALLOCATION DISTRICT**

WHEREAS, it is necessary and appropriate that water user fees shall be adjusted effective January 1 of each year as may be necessary to provide and maintain adequate revenues to operate and maintain the water system and to meet debt obligations; and,

WHEREAS, based on the recommendation of the Director of Public Service and the Finance Director it is necessary to increase the water user fees for those customers outside of the Special Water Allocation District (SWAD) to be effective for the billing period that includes January 1, 2019.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1: That the water user fees for areas outside the SWAD be as follows:

	1/1/19	1/1/20	1/1/21	1/1/22
<b>Domestic &amp; Sprinkler Rate:</b>				
Charges per 1000 Gallons:	\$6.33	\$6.33	\$6.46	\$6.59
<b>Bulk Water Rate:</b>				
Charges per 1000 Gallons:	\$8.90	\$8.90	\$8.90	\$8.90

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

DATE APPROVED \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council

**ORDINANCE NO. 18-031**

**AN ORDINANCE TO SET SANITARY SEWER USER FEES**

WHEREAS, it is necessary and appropriate that sanitary sewer user fees shall be adjusted effective January 1 of each year as may be necessary to provide and maintain adequate revenues to operate and maintain the water system and to meet debt obligations; and,

WHEREAS, based on the recommendation of the Director of Public Service and the Finance Director it is necessary to increase the sanitary sewer user fees to be effective for the billing period that includes January 1, 2019.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1: That the sanitary sewer user fees be as follows:

	1/1/19	1/1/20	1/1/21	1/1/22
Charges per 1000 Gallons:	\$5.88	\$5.88	\$6.00	\$6.12

SECTION 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

DATE PASSED \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

DATE APPROVED \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council



**ORDINANCE NO. 18-032**

**AN ORDINANCE AMENDING THE TRANSIENT OCCUPANCY GRANT  
(BED TAX) APPLICATION AND AWARD PROCESS AND DECLARING  
AN EMERGENCY**

WHEREAS, Council has determined it is necessary to update the grant application and award process for the granting of Transient Occupancy Tax funds established by Ordinance 138-97 and amended by Ordinance 14-048,

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANAL WINCHESTER, STATE OF OHIO:

SECTION 1. That the Transient Occupancy Tax Grant (Bed Tax) attached hereto as Exhibit A and incorporated herein by reference be, and the same hereby is, approved and adopted, replacing any previously adopted application and process.

SECTION 2. That this Ordinance is hereby declared an emergency measure necessary for the preservation of public peace, health and safety, such an emergency arising from the need to meet appropriate budgetary deadlines, whereas this ordinance shall take effect and be in full force from and after its passage.

DATE PASSED \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST \_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
MAYOR

DATE APPROVED \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
LEGAL COUNSEL

I hereby certify that the ordinance as set forth above was published for a period of not less than fifteen days after passage by the Council, by posting a copy thereof in not less than three (3) public places in the municipal corporation, as determined by Council and as set forth in the Canal Winchester Charter.

\_\_\_\_\_  
Finance Director/Clerk of Council



## **City of Canal Winchester Bed Tax Grant Application Guidelines**

### **Introduction**

In 1997 the City of Canal Winchester implemented a Transient Occupancy Tax (Bed Tax) to be imposed when lodging is furnished to transient guests by a hotel, motel, or similar businesses. This 6% tax is collected by the City of Canal Winchester for two specific uses. One half of the collections (3%) is contributed to Destination: Canal Winchester, the City's Visitors and Convention Bureau, to be used to promote Canal Winchester. The second half of collections has been dedicated by City Council to be used for grants to community organizations to further enhance the City of Canal Winchester and its residents.

### **Eligible Organizations**

Non-profit and private organizations are eligible to apply for funding. Public agencies are not eligible.

### **Eligible Projects**

Projects that are eligible for funding must enhance the City of Canal Winchester for its residents and visitors. Projects that promote Canal Winchester to visitors are highly encouraged.

Applications for funding that will be passed through to another organization or individual are not eligible.

This grant money should not be used for expenses related to a for-profit venture.

### **Application Guidelines**

- Applications must be made for one (1) project only. Applications listing multiple projects will not be considered for funding. Applicants can submit up to three (3) applications per year for three (3) unique projects.
- The total maximum funding awarded to one applicant across all applications will be \$2,000 per year.
- Funds will not be granted for projects that consist of basic operating and maintenance activities including, but not limited to:
  - o Salaries/benefits of organization personnel
  - o Payment of utilities including fuel
  - o Purchase of office supplies
  - o Payment of subscriptions or membership fees
  - o Conference/travel fees
  - o State or local taxes, fees, etc.
- Applications will be eligible for consideration based on the following criteria:
  - o Completeness of Application
  - o Projected Impact of project on city residents and visitors
  - o Availability of other funding to help support project

- Ability of project to continue or expand in future years
- Funding must be used within the calendar year for which it was requested. Unused funding cannot be carried over to the next calendar year and must be returned to the City.
- Funded applications will be required to submit a final report within 45 days of completion of the funded project.

## **Grant Process**

Bed Tax Grant funds are available once each year as allowed by the City's budget. Funding can vary from year to year based on the availability of funds. Applications will be available on October 1<sup>st</sup> of each year. Applications can be obtained by visiting the City's website, [www.canalwinchesterohio.gov](http://www.canalwinchesterohio.gov), or by email request to the Finance Director, Amanda Jackson, at [ajackson@canalwinchesterohio.gov](mailto:ajackson@canalwinchesterohio.gov).

Completed applications must be submitted by November 30<sup>th</sup> to be considered for funding. Applications can be submitted via email to [ajackson@canalwinchesterohio.gov](mailto:ajackson@canalwinchesterohio.gov) or by mail to: The City of Canal Winchester, Attn: Finance Director, 36 South High Street, Canal Winchester, Ohio 43110.

Questions concerning the process can be directed to Amanda Jackson at [ajackson@canalwinchesterohio.gov](mailto:ajackson@canalwinchesterohio.gov) or 614-837-6937.

Completed applications will be reviewed by a subcommittee of the Finance Committee of City Council. Recommendations of projects to be funded and funding amounts will be made to the Finance Committee with full City Council giving final approval. Approval will occur in December and funding will be provided in January of the following year. Applicants approved for funding will be notified by letter. Unapproved projects will not be notified.

If an approved applicant has previously received funding from the Canal Winchester Bed Tax Grant program, the approval will be conditional upon the receipt of the Final Project Report from the previous grant year. For example, if Organization ABC received funding in calendar year 2014 and the Final Project Report was not due until February 15, 2015 based on the project's completion date, 2015 funding would not be released until receipt and approval of the 2014 Final Project Report.

## **Eligibility Criteria Descriptions**

*Completion of Application* – Application includes all required documentation. Applicants will not be notified if documentation is missing or does not meet requirements. If a requirement is not applicable to the applicant, a brief explanation (2 to 3 sentences) stating the reason it is not applicable should be submitted. Applicants may be contacted by the City to provide clarification as deemed necessary by the awarding committee.

Required documents:

- Application
- Brief, descriptive narrative (no more than 2 pages) of project which includes background on organization, project information, projected impact on Canal Winchester and its residents or visitors and timeline of project
- Budget for the project or calendar year in which project will occur. Must include all other funding sources secured or expected for the project. Budget should be specific and identify the projected costs to be covered by Bed Tax Grant funds.

Additional supporting documents can be submitted as deemed appropriate by the applicant but are not required.

*Projected Impact of Project on City Residents and Visitors* – Description of how the project will enhance the City of Canal Winchester. This can be expressed in a written description or numerically with dollars, percentages, etc.

*Availability of Other Funding to Help Support Project* – Demonstration that funding from the Bed Tax Grant is not the sole source of funding for the project. Applicant should include documentation of other grants organization has applied for, intends to apply for or has been awarded that would help fund the project.

*Ability of Project to Continue or Expand* – Demonstration that project can become a reoccurring event or expanded in the future and its impact on Canal Winchester. Please be specific as to how this would be achieved and supported. Where do you see your event going over the next two years?

### **Final Project Report**

A Final Project Report must be submitted within 45 days of completion of the project. At a minimum, the report should include the following:

- Organization name and contact information
- Date(s) project occurred
- A summary or comparison of the proposed project to actual outcomes, including the impact on Canal Winchester and its residents and visitors
- Copies of invoices or receipts paid with grant funds
- Financial report showing all revenues and expenses of the project
- Any promotional or advertising materials related to the project, if applicable
- Other materials deemed relevant by the awardee

Failure to submit the Final Project Report within 45 days of the project's completion may result in the applicant being ineligible for future funding. Upon review of the Final Project Report, if it is found that funds were spent on ineligible expenses, the applicant will be required to repay the portion deemed ineligible as calculated by the Finance Director.

Final Project Reports should be submitted to: The City of Canal Winchester, Attn: Finance Director, 36 South High Street, Canal Winchester, Ohio 43110.

It is the responsibility of the organization to submit the report on time. No reminders that the Final Project Report is due will be sent.



**City of Canal Winchester  
Bed Tax Grant Program Application**

Name of Organization: \_\_\_\_\_

Address: \_\_\_\_\_

Website: \_\_\_\_\_

Contact Name/Title: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_ Contact Email Address: \_\_\_\_\_

Type of Organization \_\_\_\_\_ Non-Profit \_\_\_\_\_ Private \_\_\_\_\_ Other (Please Describe)

\_\_\_\_\_  
\_\_\_\_\_

Is your organization audited: \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, list most recent year audited: \_\_\_\_\_

Project Name or brief description (one sentence or less) of project: \_\_\_\_\_

\_\_\_\_\_

Project Date(s) or Timeline: \_\_\_\_\_

Amount of Funding Requested: \_\_\_\_\_

Total Project Budget (including all sources): \_\_\_\_\_

Please briefly describe other funding sources included in Total Project Budget: \_\_\_\_\_

\_\_\_\_\_

Please briefly describe how requested funds will be used: \_\_\_\_\_

\_\_\_\_\_

**Project Summary:** Please include the following information with this application. Refer to the Bed Tax Grant Program Guidelines for additional information on these requirements. Applications will be scored on the below criteria.

1. Brief, descriptive narrative (no more than 2 pages) of the project that includes the following:
  - a. Where do you see your project over the next few years?
  - b. If this is not a new event, please include a brief overview of previous years including the number of participants/visitors.
  - c. How do you see this project impacting city residents and visitors?
2. Budget for the project or calendar year in which project will occur.

\_\_\_\_\_

Authorized Official's Signature

\_\_\_\_\_

Date

# COUNCIL UPDATE



September 5, 2018

Finance Department

Amanda Jackson, Finance Director

## **Project Status:**

*Bed Tax Grant Applications* – The updated Bed Tax Grant Application is included in your packets this evening for consideration. I will need this passed at the second reading on September 17<sup>th</sup> in order to have the applications available by October 1<sup>st</sup> as we have done in the past. The legislation is currently written to include an emergency declaration which only serves to make it effective immediately upon passage, rather than 30 days after, allowing us to meet the October 1<sup>st</sup> deadline. It does not need to be passed at First Reading unless Council chooses to do so.

*2019 Appropriations* – Work on the 2019 Appropriations continues. I am still on track to have legislation and a presentation by the second meeting in October.

*Upcoming Legislation* – The contract with the Fairfield County Sheriff's Office for police protection services has been sent to the county for review. I would expect to have this on your agenda at one of the next two meetings.

*Professional Development Conference* – Each year, Stacey Williams, Finance Specialist, and I attend the Ohio Government Finance Officers Association (GFOA) professional development conference. This year this 3 day conference is being held in Cincinnati. It is a great training for us covering topics from investments to budgeting and legislative changes as well as providing us with the opportunity to network with other Finance Directors and Treasurers from various local governments around Ohio. We will be out of the office attending this conference Wednesday, September 19<sup>th</sup> to Friday, September 21<sup>st</sup>.

# COUNCIL UPDATE



August 29, 2018

Department of Public Service  
Matthew C. Peoples, Director

## **Project Status:**

**Labor Day Festival:** Crews are in full gear in preparation for the upcoming Labor Day Festival.

**Utility Rates/Fees:** We have completed the analysis for the water and sanitary sewer user fees and are presenting at the August 20<sup>th</sup> work session meeting for consideration to take to full Council to adopt for a new fee structure for 2019-2022.

**McGill Park:** OHM continues work on a grading/drainage/utilities design for the park. We hope to begin a project this year that would plant turf in order to get sufficient growing seasons before any activity starts on them.

**Office Renovations:** We are working with our architects on office renovations at the Municipal Building and Community Center. Both focus on safety and security of staff and equipment.

**Gender Road Paving:** ODOT has scheduled to pave Gender Rd. from US Rt. 33 to Lithopolis Rd. in FY 2020 (beginning July, 2019) as part of their Urban Paving Program. The program pays 80% of the costs of paving related items with the city being responsible for the remaining 20% and all ancillary items such as pavement repairs, guardrail, drainage and lighting. The initial estimate for the paving portion is \$702,273 with our portion being \$140,455. We are discussing whether to include this in the 2019 budget as part of the street program or not.

**2019 Street Capital Improvement Program:** We are beginning planning for the 2019 Street CIP with the major focus on E. Waterloo St. and Ashbrook Village.

**Gender IV OPWC Project:** Project is progressing on schedule with crews currently working on the widening for the additional lanes, waterline, and traffic signals.

**2018 Street Capital Improvement Program:** Contractor is nearly complete with just a few minor punch list items left.

**Westchester Park Improvements:** We have submitted the NatureWorks grant application to assist with funding of the project and expect results around November.

# COUNCIL UPDATE

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August 29, 2018

Division of Urban Forestry

Dick Miller, Urban Forester

## **Project Status:**

**Removals:** One European Hornbeam was scheduled for removal but held up by an active migratory bird nesting site at 251 Jennings Way. According to the Migratory Bird Treaty Act of 1918, it is unlawful to disturb the migratory species nest, eggs or birds actively in the process of nesting until the young have successfully fledged from the nest. Penalties can be substantial if levied by the U.S. Fish and Wildlife Service.

**Dangerous Tree:** One dangerous, dead 110 ft. Red Oak was dropped by the owner in the Dye Addition into the woodland so not to threaten property of the adjacent owner. This was done at the expense of the owner by a private outside vendor.

**Fall Street Trees:** Two vendors have bid on the fall tree installation. The final dollar tabulation had not been completed at this writing. Trees will be installed no later than December 5, 2018.



# COUNCIL UPDATE

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August 29, 2018

Division of Water Reclamation

Steve Smith, Superintendent

## **Project Status:**

**Albion St. Sewer:** The contract for the sewer line replacement was awarded to Seals Excavating and work is to commence when the contractor finishes with their projects at the high school and Wyler Dodge. Meanwhile, quarterly jetting of the line to ensure uninterrupted service was continued, with the latest cleaning performed 8/22/18.

**Odor/Corrosion Control System:** The systems are working as planned and to date we have received no odor complaints (related to the sanitary sewer system) in these areas. We are investigating the possible installation of a third system in which the focus will be more on corrosion prevention rather than simply an odor issue.

**NPDES Permit Renewal:** The city has received, reviewed and commented on the draft NPDES (National Pollutant Discharge System) permit.

## **Safety:**

- The city has been awarded the Ohio Water Environment Association (OWEA) highest safety award for its successful safety program and the new city safety manual.
- August's safety meeting focuses on confined space entry and proper procedure.

# COUNCIL UPDATE

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August 29, 2018

Division of Streets, Lands and Buildings

Shawn Starcher, Superintendent

## **Project Status:**

**Culverts:** Crews continue with are yearly culvert cleaning

**Tree & Brush Clearing:** Crews continue cutting trees and brush that is restricting roadside mowing areas along U.S. Route 33 and along walking paths it parks.

**Labor Day:** Crews are prepped and ready to go for the Labor Day Festival

**Covered Bridge:** Crews continue with cleanup/painting at the Covered Bridge- Graffiti has been removed

**New Employee:** John Moore III was hired for the Street Maintenance Tech 1 position that was vacant. He started on Monday 8/27/2018.

# COUNCIL UPDATE

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August 29, 2018

Division of Information Technology

Rick Brown, Coordinator

## **Project Status:**

**Network Environment:** Continuing with server infrastructure upgrade. Final two server migrations planned for 8/29/18. Preparing external services to migrate the final two servers

**New Software Solution:** Started a project plan to analyze the cost of implementing and managing Microsoft SharePoint.

**Updates/Audit/ Repairs:** Continuing the process of updating all equipment firmware and software and completed the annual Microsoft software audit. Repaired network switch at water treatment plant.

# COUNCIL UPDATE

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August 29, 2018

Division of Water

Joe Taylor, Superintendent

## **Project Status:**

**Filter #3:** Completed addition of Manganese Greensand filter #3 and are reviewing performance to determine the effectiveness of the task.

**Tower Antennae:** Rawdon Meyer off site antenna work completed. System is working well and they have a few programming issues to clean up before the project can be closed out.

**Plant Production:** We pumped 29.86 Million in July at an average of .963 mgd per day. Average Hardness was 115 mg/l

**Lead and Copper:** Lead and Copper testing performed. Canal Winchester's 90th percentile was <5.0 ug/l lead. Working with two residential homes that had elevated levels at their fixtures.

**AMI:** Staff is continuing its efforts installing Zenner AMI meters with approximately 1,190 installed.

**Construction Projects:** Crews have been working with contractors on valve operations and line testing for VAW12-2, VAW10-2, CW High School, Canal Cove 5, COTA, and Gender Rd.

**Tower Work:** South Gender tower washout inspection is scheduled for 8/28/18.

**Scheduled Work:** Meter Reads 8/27/18 - Shut offs 8/29/18. Hydrant flushing will be September 17th to October 5th.

# COUNCIL UPDATE



August 31, 2018

Construction Services Department  
Bill Sims, Administrator

## **ACTION NEEDED BY COUNCIL:**

### **Capital Improvement Projects**

2018 Street Program: Working on closeout and punch list.

Gender Rd. Ph. 4: Phase 2 underway. Traffic signal work underway.

### **Private Development Projects**

Canal Cove Sec. 5: Westport Homes. Substantially complete. Punch list work underway.

Crossroads Church: Site plans and roadway plans reviewed. Developer's engineer working on bridge design.

Winchester Veterinary Clinic: Preconstruction conducted 9/20/17. Construction dormant due to design issues.

New Faith Church: Preconstruction Meeting held. Building framed and under roof.

Brew Dog Hotel: Complete.

Winchester Ridge Phase 3: Roadways under construction. Multiple buildings under construction.

Villages At Westchester Sec. 10-2 & 9-1: Substantially complete.

Villages At Westchester Section 12-2, part 3: Utilities finishing. Roadwork to start in the next week.

COTA Park & Ride: Utility work continuing.

TransCanada Pipeline Replacement: Pipeline installation underway. Working from Dove Pkwy toward Hill Rd. currently.

Canal Winchester High School Additions: Site Utility work complete.

Jeff Wyler - Chrysler Dodge Jeep & Ram: Preconstruction meeting conducted. Site work underway.

# COUNCIL UPDATE

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August 30, 2018

Development Department

Lucas Haire, Director

## **Development Report**

- BrewDog has opened their hotel. They have had a strong response with the first 16 weekends fully booked at opening. They also had more than 5,700 people attend their AGM on August 25.
- Permits have been issued for two new office buildings on Winchester Blvd. each building will consist of 7,000 square feet.
- Grand Communities has nearly completed Section 10-2 of the Villages at Westchester. This will include 28 lots and the extension of Conner Avenue and Comorant Way.

## **New Businesses**

- Nifco has submitted plans to construct a new 175,000 square feet warehouse and production facility on Robinett Way.
- We are working with PPA, a local advertising and digital marketing agency on developing a new marketing campaign for Canal Winchester. The market campaign will consist of logo creation, theme development, website development, and digital marketing. The campaign will begin Labor Day weekend and continue the rest of the year, and will likely continue next year pending the budgeting process.